

SIXTY-THIRD DAY.

(Continued).

Senate Chamber,
Austin, Texas,
April 30, 1931.

The Senate met at 9 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Call of the Senate.

On motion of Senator Williamson, a call of the Senate was ordered.

The roll was called, the seventeen Senators answering to their names.

Shortly thereafter a quorum was obtained, and, on motion of Senator Williamson, the call was removed.

Senators Excused.

The following Senators were excused on account of illness:

Senators Pollard and Neal; on motion of Senator Woodul.

Senator DeBerry on motion of Senator Poage.

Senator Thomason, on motion of Senator Cousins.

Senator Martin, on motion of Senator Moore.

Bills Signed.

The Chair, Lieut. Gov. Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolutions:

H. J. R. No. 1. S. B. No. 125.
S. C. R. No. 15. H. B. No. 884.
S. B. No. 171. H. B. No. 795.
S. B. No. 17.

Messages From the House.

Hall of the House of Representatives,
Austin, Texas, April 30, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 397, by a vote of 104 yeas and 13 nays.

The House has failed to pass to engrossment the following bills:

H. B. No. 161, A bill to be entitled "An Act to amend Article 7105, Chapter 4, of the Revised Civil Statutes of Texas of 1925, placing every incorporated railroad company, ferry company, bridge company, turn-pike or toll company, sulphur company,

coal company, salt company, gas producing company, telegraph company, telephone company, electric light and power company, pipe line company, truck company, bus company and chain store company under the intangible assets tax laws of this State, doing business wholly or in part in this State, whether incorporated under the laws of this State, or of any other State, territory or foreign country, etc., and declaring an emergency."

H. B. No. 177, A bill to be entitled "An Act relating to the licensing of motor vehicle operators and chauffeurs and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways; providing for issuance of licenses, revocation thereof, forbidding driving by persons without licenses; providing penalties, etc., and declaring an emergency."

The House has adopted the Conference Committee Report on Senate Bill No. 359 by a vote of 105 yeas and 0 nays.

The House has adopted the Conference Committee Report on S. B. No. 275 by a vote of 103 yeas and 0 nays.

Hon. Edgar E. Witt, President of the Senate,

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred Senate Bill 275, have had the same under consideration, and we respectfully report it back to the Senate and the House with the recommendation that it do not pass, but that the attached committee substitute do pass in lieu thereof.

Respectfully submitted,

WOODUL,
WILLIAMSON,
PARR,
PURL,

On the part of the Senate.

HOLLAND,
READER,
JACKSON,
HARMAN,
HUGHES,

On the part of the House.

Free Conference Committee
Substitute.

A BILL

To Be Entitled

An Act to amend Chapter 82, General and Special Laws of the 40th

Legislature, Regular Session, approved March 12, 1927, entitled: "An Act relating to the duties of the County Board of Trustees of the public schools of this State, in all counties having 210,000 population or more, according to the last preceding Federal census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of independent and common school districts; create additional districts; consolidate two or more adjacent districts; subdivide any districts; revise or rearrange the boundaries of any districts; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; and repealing all laws, general or special, in conflict therewith and declaring an emergency.", insofar as same may be applicable to counties having more than 275,000 and less than 300,000 population, according to the last preceding Federal census, and counties having more than 350,000 population, according to the last preceding Federal census, by adding thereto Section 11a, providing a method of apportioning school funds to Independent School Districts having 500 scholastics or more in such counties in this State; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 82 of the General and Special Laws of the 40th Legislature, Regular Session, approved March 12, 1927, is hereby amended by adding after Section 11 thereof a new section numbered 11a to read as follows:

"Sec. 11a. Provided that in all counties having more than 275,000 and less than 300,000 population, according to the last preceding Federal census, all Independent School Districts having 500 scholastics or more shall be entitled to receive their pro rata part of the entire

available funds arising for the County Permanent School Funds to be paid to such Independent School Districts on a per capita basis, and such Independent School Districts shall likewise be entitled to receive their pro rata part on a per capita basis of all other available school funds including the State per capita apportionment, and the pro rata part of the State per capita apportionment to which any such independent school district shall be entitled shall be paid by the comptroller by a warrant or warrants in favor of the treasurer of each such independent school district.

Sec. 2. The fact that there exists doubt with respect to the proper method and basis of apportionment of all available school funds and the state per capita apportionment insofar as independent school districts having 500 or more scholastics are concerned in counties having more than 275,000 and less than 300,000 population, according to the last preceding Federal census, and counties having more than 350,000 population, according to the last preceding Federal census and that great confusion exists in the administration of school affairs in such counties creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Austin, Texas, April 28, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your conference committee, heretofore appointed to adjust the difference between the Senate and the House, having duly considered S. B. No. 359 and the amendment adopted by the House, which amendment strikes out of line 28, page 2, the words "such injured employee" and substitutes in lieu thereof the following words, "the party requesting the examination," beg to report that after due consideration we have reached an agreement whereby we have eliminated the House amendment from the bill but we have rewritten Section 2 of Sec-

tion 4 and in lieu of said Section 2 of said Section 4, we have adopted the following language, to-wit:

"When authorized by the board the Association shall have the privilege of having any injured employee examined by a physician or physicians of its own selection, at reasonable times, at a place or places suitable to the condition of the injured employee and convenient and accessible to him. The Association shall pay for such examination and the reasonable expense incident to the injured employee in submitting thereto. The injured employee shall have the privilege to have a physician of his own selection present to participate in such examination. Provided, when such examination is directed by the board at the request of the association, the association shall pay the fee of the physician selected by the employee, such fee to be fixed by the Board."

We, therefore, recommend that Senate Bill No. 359 as amended by your conference committee be passed and that this report be in all things adopted.

Respectfully submitted,

WOODWARD,
PURL,
HORNSBY,
MARTIN,
SMALL.

On part of the Senate.

KELLER,
TERRELL of Val Verde,
LEMENS,
HARRISON, of El Paso,
POPE.

On part of the House.

Hall of the House of Representatives,
Austin, Texas, April 30, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 406, A bill to be entitled "An Act to amend Article 5924, Revised Statutes, 1925, relating to assumed names, making it unlawful for an individual to use a corporate name, providing a penalty, and declaring an emergency."

(With Engrossed Rider.)

H. B. No. 417, A bill to be entitled "An Act to amend Article 1536, Re-

vised Statutes of 1925, prescribing penalties for the transaction of business by foreign corporations in this State without obtaining a permit to do business in Texas, and declaring an emergency."

H. B. No. 966, A bill to be entitled "An Act providing for the attendance of the Attorney General of this State upon all hearings of the commissioners court when sitting as a board of equalization in any county of this State where the State has relinquished its ad valorem taxes to said county, either in whole or in part, for any purpose, etc., and declaring an emergency."

The House has refused to concur in Senate amendments to House Bill No. 381 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

West of Coryell, Van Zandt, DeWolfe, MetCalfe, Petch.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 30, 1931
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 331, A bill to be entitled "An Act making provisions for the enforcement of tax liens of County and State and cities and towns and districts, and all subdivisions of government with taxing power, where taxes are unpaid and delinquent on real property by eliminating the foreclosure thereof by suits in Court, and by invoking the summary sale method providing for notice, advertisement, sale, execution and delivery of deed by Collector, effect of deed, defenses, redemption, fees, costs, disposition of pending suits, quieting title, making the same applicable to all existing delinquencies for years 1915 to 1930 inclusive and thereafter, and making the present Statutes requiring foreclosure suits in Courts applicable only for year 1914 and prior thereto, constituting the Comptroller, Tax Commissioner and Attorney General of Texas as a Tax Board to determine in what instances property adjudicated to the State

should be relinquished and not sold; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 30, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. C. R. No. 43, Recalling Senate Bill No. 153 from the Governor's office for correction.

H. B. No. 1037, A bill to be entitled "An Act to create, validate and approve the, Dallas County Preston Road Fresh Water Supply District No. 10, in Dallas county, Texas, to declare it to be a legally constituted governmental agency and body politic and corporate, and its formation to be a benefit to all property within its bounds, and that its bounds were legally designated, and adding to its powers, etc., and declaring an emergency."

S. C. R. No. 41, Providing for a joint session of the House of Representatives and the State Senate Thursday evening at 7:30 o'clock April 30, 1931, to hear the Honorable Edward P. Costigan, a member of the United States Senate from the State of Colorado.

S. C. R. No. 44, Providing for a committee to make arrangements for a joint session of the House and Senate Thursday, April 30, 1931 to hear Honorable Edward P. Costigan United States Senator from Colorado.

H. J. H. No. 21, Proposing to amend Section 14 of Article 8 of the Constitution and to abrogate Section 16 of said Article 8, so that each county shall elect only one person as the assessor and collector of taxes.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Resolution Referred.

H. J. R. No. 21 referred to Committee on Constitutional Amendments.

Senate Bill No. 582.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Holbrook:

S. B. No. 582, A bill to be entitled "An Act authorizing the State Treasurer to employ four extra clerks instead of three as authorized by House Bill 398, passed at the Regular Session of the Forty-second Legislature, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrooks the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 582 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Parrish.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.

Hopkins.	Neal.
Martin.	Thomason.

Absent—Excused.

DeBerry.	Pollard.
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Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent.

Hopkins.	Russek.
Neal.	Thomason.
Patton.	

Absent—Excused.

DeBerry.	Pollard.
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Senate Bill No. 583.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Holbrook:

S. B. No. 583, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the Treasury Department, and authorizing payment of said claims on the taking effect of this Act, and declaring an emergency."

Read second time.

Senator Purl moved to re-commit the bill to the Committee on Finance.

Senator Holbrook moved to table the motion.

Senator Purl withdrew his motion.

On motion of Senator Holbrook the bill was laid on the table subject to call.

House Bill No. 1019.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 1019, A bill to be entitled "An Act limiting the amount of white perch, crappie or bass that may lawfully be taken in one day from the public fresh waters of Dallas county, Texas; prescribing penalties for violating this act, and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend H. B. No. 1019 by striking out 10 and insert 12.

PURL.

Read and adopted.

The committee report was adopted. The bill was passed to third reading.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1019 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Hornsby.
Berkeley.	Loy.
Cousins.	Martin.
Cunningham.	Moore.
Gainer.	Oneal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hopkins.	Poage.

Purl.
Rawlings.
Russek.
Small.
Stevenson.

Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

DeBerry.
Neal.

Pollard.
Thomason.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.
Berkeley.
Cousins.
Cunningham.
Gainer.
Greer.
Hardin.
Holbrook.
Hopkins.
Hornsby.
Loy.
Martin.
Moore.
Oneal.

Parr.
Parrish.
Patton.
Poage.
Purl.
Rawlings.
Russek.
Small.
Stevenson.
Williamson.
Woodruff.
Woodul.
Woodward.

Absent—Excused.

DeBerry.
Neal.

Pollard.
Thomason.

Free Conference Granted.

On motion of Senator Hopkins the Senate granted the request of the House for a Free Conference Committee on H. B. No. 381.

The Chair appointed the following on the part of the Senate:

Senators Hopkins, Small, Cousins, Holbrook and Oneal.

House Bill No. 36.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 36, A bill to be entitled "An Act validating the extension of the corporate limits of cities of more than 50,000 inhabitants according to the last United States census where such extension is made under the provisions of any home rule charter or ordinance since the enactment of Chapter 110, General Laws of the Forty-first Legislature of the State of Texas of 1929, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 36 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Oneal.	

Absent—Excused.

DeBerry.	Pollard.
Neal.	Thomason.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Patton.	Williamson.
Hornsby.	Woodruff.
Loy.	Woodul.
Martin.	Woodward.
Moore.	

Absent—Excused.

DeBerry.	Pollard.
Neal.	Thomason.

House Bill No. 258.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 258, A bill to be entitled "An Act amending Article 7150, Section 1, of the Revised Civil Statutes of 1925, of the State of Texas, by adding thereto a provision exempting a dwelling place for the ministry of such church or religious society, and declaring an emergency."

Read second time.

Senator Rawlings sent up the following amendment:

Amend House B. No. 258 by inserting after the word "religion" in line 42, Section 1, of said bill, the following:

"... and all property, real or personal, constituting such endowment funds, which are..." and by striking out the following words in lines 42 and 43 of said Section:

"... and when the same are invested in bonds or mortgages."

RAWLINGS,
MOORE.

The amendment was read.

Senator Holbrook moved to lay the bill on the table subject to call.

House Bills Referred.

H. B. No. 417 referred to Committee on State Affairs.

H. B. No. 406 referred to Committee on Civil Jurisprudence.

H. B. No. 966 referred to Committee on State Affairs.

H. B. No. 331 referred to Committee on State Affairs.

H. B. No. 1037 referred to Committee on State Affairs.

House Bill No. 892.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 892, A bill to be entitled "An Act regulating the taking of furbearing animals in certain counties; declaring the wild beaver, wild otter, wild mink, wild ring-tail cat, wild opossum, wild racoon, wild fox and wild civet cat to be fur-bearing animals of this State by means of a steel trap, deadfall or snare, in the county of Dallas; providing a penalty, and declaring an emergency."

Read second time.

On motion of Senator Purl the bill was laid on the table subject to call.

Notice of Intent.

Senator Stevenson gave notice that on tomorrow he would call up the motion spread on the Journal to reconsider the vote by which S. B. No. 18 failed to pass to engrossment.

Senate Bill No. 481.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Small:

S. B. No. 481, A bill to be entitled "An Act regulating the patenting of lands formerly a part of Oklahoma, but awarded to the State of Texas by the Supreme Court of the United States in the case of The State of, etc."

Read second time.

Senator Small sent up the following amendments:

Amend Senate Bill No. 481 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That all of the lands along the 100th degree of west longitude on the east side of the Panhandle of the State of Texas and the west side of the State of Oklahoma, found to be in the State of Texas by the final decree of the Supreme Court of the United States, in the case of the State of Oklahoma vs. the State of Texas, the United States of America, Intervenor, theretofore claimed by Oklahoma but now located in Lipscomb, Hemphill, Wheeler, Collingsworth and Childress Counties, are hereby offered for sale to the claimants of said lands as reflected by the Deed Records of other public records of the State of Oklahoma and under the laws of the State of Oklahoma at the time of the rendition of said decree by the Supreme Court of the United States, and said lands shall be sold to such claimants as would have then owned said lands had the same been a part of Oklahoma. The consideration for such sale shall be the sum of One Dollar (\$1.00) per acre.

Sec. 2. The Commissioner of the General Land Office, the Attorney General, and the Governor are hereby designated and constituted a Special Land Board to ascertain the persons entitled to purchase said lands. Said Board is hereby authorized to employ as many as three persons, if deemed necessary to assist in ascertaining the bona fide claimants of said lands as shown by the public records and under the laws of the State of Oklahoma, and to make such surveys and investigations as may be necessary to carry out the provisions of this Act, and said Board is hereby authorized to adopt such rules, regulations and forms as it may deem expedient.

Sec. 3. Any claimant to any portion of said lands who would have

had title to same had it been located in Oklahoma, may make application to the Commissioner of the General Land Office to purchase the land claimed. Such application shall be accompanied by field notes of the tract claimed, together with a filing fee of One Dollar (\$1.00), an examination fee of Fifteen Cents (15c) per acre, and with such other information as the Land Board may require to be given, including certified copies of all muniments of title under the laws of Oklahoma. Upon receipt of such application the Land Board shall cause an investigation to be made as to the status of the public records of the State of Oklahoma, and in event it is found that the applicant would have been the owner of said land at the time of the decree of the Supreme Court of the United States had the same been located in Oklahoma, such application shall be approved, and said land awarded to said applicant. Within sixty days after such award such applicant shall pay to the Commissioner of the General Land Office the sum of One Dollar (\$1.00) per acre for said land, and upon receipt of such payment the Commissioner of the General Land Office shall issue to the claimant a patent to said lands in such form as the Land Commissioner shall prescribe.

Sec. 4. All deeds, mortgages, contracts and instruments of every nature, affecting the title to said lands, or that would have formed a part of the chain of title to the same under the laws of the State of Oklahoma, and now of record on the public records of the State of Oklahoma, may be filed and recorded in the county in Texas in which the land is now located. All deeds, mortgages, conveyances and all other instruments which would be valid under the laws of the State of Oklahoma and admissible in evidence under the laws of said State, shall be valid in Texas and shall be admissible in evidence in any court in this State, and copies of said instruments certified as provided by the laws of Oklahoma, as well as the originals thereof, may be introduced in evidence in the same manner as if executed with the formalities required by the laws of the State of Texas, and as if certified as required by the laws of this State. All such deeds, deeds of trust, mortgage, conveyances and contracts, af-

fecting the title to any of said lands shall be given the same force and effect in the State of Texas as same would have been given in the State of Oklahoma, and all bona fide liens, incumbrances, or debentures, now outstanding and unsatisfied, and existing against said lands at the time of the rendition of said decision of the Supreme Court of the United States are here expressly validated, save and except as to purchase money due to the State of Oklahoma. In determining whether any lien against said land shall be enforced, the period of time intervening between the rendition of the decision by the Supreme Court of the United States and the issuance of a patent to the land involved by the State of Texas, shall not be computed in applying the Statutes of Limitation of either the State of Oklahoma or the State of Texas, and this Act shall be liberally construed in the enforcement of liens against said land, it being the intention of the Legislature that all section and parts hereof are independent of each other, and if any section or part hereof be held unconstitutional such invalid section shall not affect the remaining sections or parts hereof.

Sec. 5. The examination fees provided for in Section 3 of this Act shall be deposited in a special fund to the credit of the Land Board created in Section 2 of this Act, and said funds shall be used to defray the expenses incident to the enforcement of this Act. This fund shall be disbursed by the Board with vouchers drawn on the State Treasurer and signed by Governor and countersigned by the Land Commissioner. Any sum remaining in such fund after all expenses have been paid shall be transferred to the General Revenue Fund.

Sec. 6. The Land Board, upon the passage of this Act, is authorized to determine when such lands are available for purchase, and said Board shall by proper proclamation give notice to all persons desiring to file an application to purchase said land, by causing such proclamation to be published once each week for two consecutive weeks in some newspaper of general circulation in each county in which any part of said lands may be located, and by filing a copy of such proclamation with the County Clerk of each such county. Applica-

tions to purchase such lands shall be filed with the Commissioner of the General Land Office within four months from and after the last publication, and if said claims are not filed within said time an additional filing fee of Ten Cents (.10c) per acre shall be required. No land shall be patented or sold under the provisions of this Act unless claimed and applied for within twelve months after the publication of said proclamation, and the proclamation shall so state.

Sec. 7. The fact that a great many people have in good faith made substantial investments in the lands mentioned in this Act under the belief that said lands were located in the State of Oklahoma, and the fact that the State of Texas has for many years acquiesced in the assertion of sovereignty by the State of Oklahoma over said territory, and have permitted many innocent people to be misled to their prejudice, creates an emergency and an imperative public necessity, and authorized the Constitutional Rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended; and it is so enacted.

SMALL.

Read and adopted.

Amend Senate Bill 481 by striking out the caption and adding in lieu thereof the following:

A BILL

To Be Entitled

"An Act regulating the sale and patenting of lands formerly claimed as a part of Oklahoma but awarded to the State of Texas in the case of the State of Oklahoma vs. the State of Texas, the United States of America, Intervenor, and which are now located in the Counties of Lipscomb, Hemphill, Wheeler, Collingsworth and Childress; creating a Special Land Board, and defining the powers of said Board; validating deeds, mortgages, conveyances and incumbrances outstanding when the decision of the Supreme Court was rendered; providing for transferring records and recording instruments, and for the admission of same in evidence; providing for

the effective date of sales; and declaring an emergency."

SMALL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 481 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

DeBerry.	Thomason.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

DeBerry.	Thomason.
Pollard.	

Senate Bill No. 609.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Loy:

S. B. No. 609, A bill to be entitled "An Act to amend Article 6066 of the

Revised Civil Statutes of 1925; and declaring an emergency."

Read second time.

Senator Purl sent up the following amendment:

Amend S. B. No. 609 by adding a new section to read as follows:

"Provided that not more than 70,000 shall ever be spent in any one calendar year."

PURL.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 609 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

DeBerry.	Thomason.
Pollard.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

DeBerry.	Thomason.
Pollard.	

Senate Bill No. 124.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Gainer:

S. B. No. 124, A bill to be entitled "An Act authorizing and directing the Board of Directors and other managing officers of A. & M. College to create and operate a Fireman's Training School as a part of said College, providing for the creation of a Board to advise in the conducting of the same, making an appropriation therefor; and declaring an emergency."

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

DeBerry.	Thomason.
Pollard.	

Senate Bill No. 203.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Neal and Berkeley:

S. B. No. 203, A bill to be entitled "An Act more adequately providing for State parks, providing a means by which the State Parks Board may earn revenue in concessions and concession contracting; enacting provisions and providing all things necessary and incidental to said subject and purpose; making an appropriation to carry out the purpose of this Act and the laws of this State in reference to State parks and the State Parks Board; and declaring an emergency."

Read second time.

Committee amendment No. 1 was adopted.

Senator Neal sent up the following amendment to the committee amendment No. 2:

Amend committee amendment No. 2, Sec. 2, line 9, of the printed bill, by striking out the words, "maybe" and substitute in lieu thereof the words "is hereby."

NEAL.

The amendment to the amendment was read.

On motion of Senator Neal, the bill was laid on the table subject to call.

House Bill No. 336.

The Chair laid before the Senate as pending business the following bill:

H. B. No. 336, A bill to be entitled "An Act to amend Chapter 42, General Laws of the State of Texas, Forty-first Legislature, Second Called Session, so as to further regulate the operation of vehicles on the public highways, etc., and declaring an emergency."

Senator Woodul withdrew the pending amendment and sent up the following amendments:

Amend House Bill No. 336 by adding after the end of Section 5 a new section to be known as Section 6 as follows and by renumbering the other sections accordingly:

"Section 6. That Section 5 of said Chapter be and the same is hereby amended by adding thereto a new section to be known as Section 5 (a) which shall hereafter read as follows:

"Section 5 (a). Upon application for registration of any commercial motor vehicle, truck-tractor, trailer or semi-trailer the applicant shall deliver to the tax collector, or one of his duly authorized deputies, an affidavit, duly sworn to before an officer authorized to administer oaths, showing the weight of said vehicle, which affidavit shall be kept on file by the collector. The license receipt issued to the applicant shall also show said weight. A copy of said receipt shall be carried at all times on any such vehicle while same is upon the public highway. Such affidavit, or a certified copy thereof, may be introduced as evidence

showing the weight of said vehicle and such affidavit shall be prima facie evidence of the weight thereof; provided, however, that it may be shown that said affidavit is false or that said weight inserted therein is incorrect."

WOODUL.

Read and adopted.

Amend House Bill No. 336 advance printing copy by adding after the word "act" page 3 line 40, the following:

"of either a registered or actual gross weight of six thousand (6000) pounds or less at a rate of speed in excess of forty (40) miles per hour or such vehicle of either a registered or actual gross weight of over six thousand (6000) pounds."

WOODUL.

Read and adopted.

Amend H. B. No. 336, advanced printing copy, page 4 after line 13, by adding the following:

"It shall be unlawful for any person to operate or move any vehicle upon a highway with a red light thereon visible directly from the front thereof, except, that this Section shall not apply to law enforcement officers, fire departments, and ambulances.

Every motor vehicle other than a motorcycle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to a least two wheels. If these two separate means of applying the brakes are connecting in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels. Any motor vehicle or combination of motor vehicles, trailer, semi-trailer or other vehicle, shall be equipped with brakes upon one or more of such vehicles, adequate to stop such combination of vehicles in dry weather upon a reasonably level surface within a distance of forty-five feet from the spot where such brakes are first applied when such vehicle or combination of vehicles are trav-

eling at a rate of speed of twenty miles per hour.

Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sounds audible under normal conditions for a distance of not less than two hundred (200) feet, and it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any bell, siren, compression or exhaust whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device, except that vehicles operated in the performance of duty by law enforcement officers, fire departments and ambulances may attach and use a bell, siren, compression or exhaust whistle.

Every motor vehicle engaged in the transportation of passengers for hire shall be equipped with at least one quart of chemical type fire extinguisher in good condition and conveniently located for immediate use.

It shall be unlawful for any person to operate or permit to be operated any commercial motor vehicle of over one ton carrying capacity upon the highway of this State without having first obtained a chauffeur's license as provided in Article 6687 of the Revised Civil Statutes of Texas of 1925.

WOODUL.

Read and adopted.

Amend H. B. No. 336 by striking out all of Section 10 thereof and inserting in lieu thereof the following:

"Sec. 10. If any section, subsection, clause, sentence or phrase of this act is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared unconstitutional."

WOODUL.

Read and adopted.

Amend the caption to conform to the bill.

WOODUL.

Read and adopted.

Senator Small sent up the following amendment:

Amend H. B. No. 336 by adding thereto the following section to be numbered Section 6-a, as follows:

"Sec. 6-a: The limitations imposed by this Act as to length of vehicles or combination of vehicles and weight of loads and of height of vehicle with load shall not apply to vehicles when used only to transport property from point or origin to the nearest practicable common carrier receiving or loading point or from a common carrier unloading point by way of the shortest practicable route to destination, provided said vehicle does not pass a delivery or receiving point of a common carrier equipped to transport said load, or when used to transport property from the point of origin to point of destination thereof when the destination of such property is less distant from the point of origin thereof than the nearest practicable common carrier receiving or loading point; provided, however, that in no event except by special permit, as hereinabove specifically provided, shall the length of said vehicles exceed fifty-five (55) feet or the weight of such loads exceed fourteen thousand (14,000) pounds; and provided, further, that the limitations imposed by this Act upon weight per inch width of tire shall apply to all such vehicles and loads; provided that if this Act or any other section, subsection, sentence, clause, phrase thereof, is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section."

SMALL.

The amendment was read.

On motion of Senator Purl, the previous question was ordered on the amendment.

The amendment was adopted.

Senator Williamson sent up the following amendment:

Amend S. B. No. 336 by adding after the word sunrise in Line 58,

Section 8, of the printed bill the following:

A motor vehicle requiring clearance lights hereunder may, in lieu of such clearance lights, be equipped with adequate reflectors conforming as to color and marginal location to the requirements for clearance light. No such reflector shall be deemed adequate unless it is so designed, located as to height and maintained as to be visible for at least two hundred (200) feet when opposed by the light of a motor vehicle displaying lawful undimmed headlights at night on an unlighted highway. Reflectors herein referred to must be approved by the Department as to specifications before they can be lawfully used on a vehicle, and it shall be unlawful and constitute a misdemeanor to use a reflector on a motor vehicle unless it has been approved by the Department, and such approval by the Department shall be firmly affixed to such reflector."

WILLIAMSON.

Read and adopted.

Senator Poage sent up the following amendment:

Amend H. B. No. 336, page 3, line 3, by adding at the end of Subsection (e) a new subsection to be known as subsection (f) to read as follows:

"No vehicle of any kind or character shall be operated on any public highway of this State while carrying any gunpowder, nitro-glycerin, sawdust, waste paper or rags, lumber, saw-logs, cotton either baled or unginned, cotton seed, or any high explosive or any highly inflammable substance, without a special permit from the Department, and the Department is hereby authorized to issue such permits when in its judgment such permit will serve a public necessity, but no such permit shall extend to more than one trip and the Department shall charge a fee of twenty-five (\$25.00) dollars for each permit; however, nothing herein shall prohibit the transportation on any highway of any of the above named substances from the place of production, concentration or retail distribution for a distance of not more than fifty (50) miles.

POAGE.

The amendment was read.

Senator Woodul sent up the following amendment to the amendment:

Amend pending amendment by Poage, by adding at the end thereof, the following:

"provided that if this sub-section (f) is for any reason held to be unconstitutional and invalid such decision shall not affect the validity of the remaining portions of this Act and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that this section be declared unconstitutional; provided further that if this Act or any section, subsection, sentence, clause or phrase thereof is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section."

WOODUL.

Read and adopted.

Reason for Vote.

I vote no on the amendment to H. B. No. 336, which will allow trucks with a gross weight of 26,000 pounds to run upon the highways, for the reason that in my judgment the roads will be thereby destroyed.

HOLBROOK.

Simple Resolution No. 126.

Senator Hopkins sent up the following resolution:

Whereas, the Izaak Walton League of Texas on tomorrow meets in State Convention in the City of New Braunfels; and

Whereas, said League and the citizens of the City of New Braunfels are desirous of entertaining as their guests the members of the Senate, and have made arrangements for the members thereof to attend the Annual Banquet of said League at 7:30 p. m. on Friday, May 1st, and to accomodate their guests over night at the Travelers Hotel in said City.

Now, therefor, be it resolved by the Senate of Texas, that said invitation be and it is hereby accepted and the said Izaak Walton League, its officials, and citizens of New

Braunfels be, and they are hereby assured that the Senate of Texas and its members are thoroughly appreciative of said courtesy so extended.

HOPKINS,
WILLIAMSON.

Read and adopted.

S. C. R. No. 43.

Senator Woodul sent up the following resolution:

Whereas, Senate Bill No. 153, which is now on the Governor's desk, contains a typographical error which would invalidate the bill,

Therefore, be it resolved by the Texas Senate, the House concurring, that Senate Bill No. 153 be recalled from the Governor's Office for the purpose of making the necessary correction.

WOODUL.

Read and adopted.

Free Conference Report.

Senator Woodul sent up the following Free Conference committee report:

Committee Room,

Austin, Texas, April 28, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred S. B. No. 275, have had the same under consideration and we respectfully report it back to the Senate and the House with the recommendation that it do not pass, but that the attached committee substitute do pass in lieu thereof.

Respectfully submitted,

WOODUL,
WILLIAMSON,
PARR,
PURL,

On the part of the Senate.

HUBBARD,
READER,
JACKSON,
HARMAN,
HUGHES,

On the part of the House.

Free Conference Committee
Substitute.

A BILL

To Be Entitled

An Act to amend Chapter 82, General and Special Laws of the 40th

Legislature, Regular Session, approved March 12, 1927, entitled: "An Act relating to the duties of the County Board of Trustees of the public schools of this State, in all counties having 210,000 population or more, according to the last preceding Federal census, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of independent and common school districts; create additional districts; consolidate two or more adjacent districts; subdivide any districts; revise or rearrange the boundaries of any districts; attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; and repealing all laws, general or special, in conflict therewith and declaring an emergency.", insofar as same may be applicable to counties having more than 275,000 and less than 300,000 population, according to the last preceding Federal census, and counties having more than 350,000 population, according to the last preceding Federal census, by adding thereto Section 11a providing a method of apportioning school funds to Independent School Districts having 500 scholastics or more in such counties in this State; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 82 of the General and Special Laws of the 40th Legislature, Regular Session, approved March 12, 1927, is hereby amended by adding after Section 11 thereof a new section numbered 11a to read as follows:

"Sec. 11a. Provided that in all counties having more than 275,000 and less than 300,000 population, according to the last preceding Federal census, and counties having more than 350,000 population, according to the last preceding Fed-

eral census, all Independent School Districts having 500 scholastics or more shall be entitled to receive their pro rata part of the entire available funds arising for the County Permanent School Funds to be paid to such Independent School Districts on a per capita basis and such Independent School Districts shall likewise be entitled to receive their pro rata part on a per capita basis of all other available school funds including the State per capita apportionment, and the pro rata part of the State per capita apportionment to which any such independent school district shall be entitled shall be paid by the comptroller by a warrant or warrants in favor of the treasurer of each such independent school district.

Sec. 2. The fact that there exists doubt with respect to the proper method and basis of apportionment of all available school funds and the State per capita apportionment insofar as independent school districts having 500 or more scholastics are concerned in counties having more than 275,000 and less than 300,000 population, according to the last preceding Federal census, and counties having more than 350,000 population, according to the last preceding Federal census and that great confusion exists in the administration of school affairs in such counties creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

DeBerry. Pollard.
Martin.

S. C. R. No. 44.

Senator Purl sent up the following resolution:

Whereas, At the invitation of the Legislature of Texas, the Honorable Edward P. Costigan, U. S. Senator from Colorado is going to address the Joint Session of the House and Senate of Texas on the evening of Thursday, April 30th; and

Whereas, There has been no plan made thus far to take care of the seating arrangement and the program of the evening, etc.

Therefore Be It Resolved By the Senate of Texas, the House concurring, that a Committee of both bodies be appointed to make the necessary arrangements and provide a suitable program to be followed during the evening.

Be It Further Resolved that the President of the Senate and the Speaker of the House be and are hereby instructed to appoint the members of the above committee.

PURL.

Read and adopted.

Recess.

On motion of Senator Woodul, the Senate, at 11:57 o'clock a. m., recessed until 2 o'clock p. m.

After Recess

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Carl Hardin.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Austin, Texas, April 30, 1931.
To the members of the State Senate of the Forty-second Legislature:

Subject to your confirmation I have appointed the following persons:

Board of Directors of Texas Technological College.

General John A. Hulen of Fort Worth to succeed F. E. Clarity, resigned.

State Board of Pharmacy.

For next ensuing statutory term:
Paul Carroll, Texarkana;
C. Bryan Allison, Dallas.

Board of Regents of Texas Womans College (C.I.A.)

For next ensuing statutory term:
Mrs. M. H. Hagaman of Ranger, Texas;

R. H. Hoffman of Denton;
Kester W. Denman of Lufkin.

Respectfully submitted,

R. S. STERLING, Governor.

Read and referred to Committee on Governor's Nominations.

Austin, Texas, April 30, 1931.

To the members of the Senate of the Forty-first Legislature:

I have appointed, subject to your confirmation, the following persons:

State Board of Health.

Dr. C. M. Rosser of Dalls;
Dr. E. W. Wright of Bowie.

State Board of Dental Examiners.

Dr. Jack Hearne of Fort Worth, to succeed Dr. W. C. Talbot, resigned.

The following are appointed as Branch Pilots for the ports of Galveston and Texas City:

H. L. Babcock, Galveston; B. F. Pomeroy, Galveston; Lewis Lock, Galveston; H. H. Haden, Galveston; A. C. Steinhort, Galveston; A. N. Carlson, Galveston; W. E. Hayman, Galveston; W. A. Leech, Galveston; V. C. Amburn, Texas City; H. D. Wetmore, Galveston; H. H. Dolehite, Galveston; J. H. Johnson, Galveston.

Respectfully submitted,

R. S. STERLING, Governor.

Read and referred to Committee on Governor's Nominations.

House Bill No. 336.

The question recurred upon the pending amendment to H. B. No. 336. The amendment to the amendment was adopted.

Senator Oneal sent up the following amendment to the amendment:

Amend the Poage amendment to H. B. No. 336 by striking out the words "or any highly inflammable substance."

ONEAL.

Read and adopted.

Senator Parr sent up the following amendment to the amendment:

Amend the Poage amendment to H. B. 336 by striking out the word "lumber."

PARR.

Read and lost.

Senator Poage sent up the following amendment to the amendment:

Add to the Poage amendment the following: "nor shall it in any wise apply to the transportation of any goods by the producer thereof."

POAGE.

Read and adopted.

The amendment as amended was lost by the following vote:

Yeas—9.

Gainer.	Rawlings.
Loy.	Thomason.
Oneal.	Williamson.
Parrish.	Woodruff.
Poage.	

Nays—13.

Beck.	Patton.
Berkeley.	Russek.
Cousins.	Small.
Greer.	Stevenson.
Moore.	Woodul.
Neal.	Woodward.
Parr.	

Present—Not Voting.

Cunningham. Holbrook.

Absent.

Hardin. Purl.
Hopkins.

Absent—Excused.

DeBerry. Martin.

(Pair Recorded.)

Senator Hörnsby (present) who would vote yea, with Senator Pollard (absent) who would vote nay.

Senator Gainer sent up the following amendment:

Amend H. B. No. 336 by adding another section, to be known as Section 3-FA, which shall read as follows:

"Section 3-FA. It shall be unlawful for any person to operate or move or for any owner to cause to be operated or moved any motor vehicle or combination thereof over the highways of this State which shall have as a load, or as a part of the load

thereon any product, commodity, goods, wares or merchandise which is contained, boxed, or bound in any container, box or binding containing more than 30 cubic feet and weighing more than three hundred (300) pounds with one container stacked or placed upon another or where there are more than eight (8) of such containers being carried on said vehicle or combination thereof."

GAINER.

The amendment was read.

Senator Woodul sent up the following amendment to the amendment:

Amend pending amendment by Gainer by adding at the end thereof the following:

"Provided that if this Section 3G is for any reason held to be unconstitutional and invalid such decision shall not affect the validity of the remaining portions of this Act and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that this section be declared unconstitutional; provided further that if this Act or any section, subsection, sentence, clause or phrase thereof is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section."

WOODUL.

Read and adopted.

The amendment as amended was adopted.

Senator Gainer sent up the following amendment:

Amend H. B. No. 336 by adding after Section 3F another Section, to be known as Section 3G, which shall read as follows:

"Section 3G. Provided, however, that the restrictions as to speed, weight, width, length and other limitations provided herein shall not apply to commercial motor vehicles operated within any incorporated city or town, but such incorporated city or town may by ordinance regulate the same.

GAINER.

The amendment was read.

Senator Woodul sent up the following amendment to the amendment:

Amend pending amendment by Gainer by adding at the end thereof, the following:

"Provided that if this section 3G is for any reason held to be unconstitutional and invalid such decision shall not affect the validity of the remaining portions of this Act and the Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that this section be declared unconstitutional; provided further that if this Act or any section, subsection, sentence, clause or phrase thereof is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, subsection, sentence, clause or phrase thereof without this section."

WOODUL.

Read and adopted.

Senator Purl sent up the following substitute for the amendment as amended:

Substitute amendment by adding The City Council shall have the right to say what streets are used by buses and trucks in corporate limits of cities and towns on said routes."

PURL.

The substitute was read.

Senator Rawlings sent up the following amendment to the substitute:

Amend the Purl substitute by adding the following:

"Provided however the rights granted herein to cities and towns shall not apply to State Highway."

RAWLINGS.

The amendment to the substitute was read.

Senator Purl moved to table the amendment to the substitute. The motion prevailed by the following vote:

Yeas—15.

Beck.	Neal.
Cousins.	Parr.
Cunningham.	Patton.
Gainer.	Purl.
Greer.	Stevenson.
Holbrook.	Woodul.
Loy.	Woodward.
Moore.	

Nays—8.

Berkeley.	Rawlings.
Hornsby.	Russek.
Parrish.	Williamson.
Poage.	Woodruff.

Present—Not Voting.

Hardin.

Absent.

Hopkins.	Small.
Oneal.	Thomason.

Absent—Excused.

DeBerry.	Pollard.
Martin.	

Senator Gainer moved to table the substitute for the amendment. The motion prevailed by the following vote:

Yeas—16.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Russek.
Cunningham.	Stevenson.
Gainer.	Williamson.
Greer.	Woodruff.
Loy.	Woodul.
Neal.	Woodward.

Nays—8.

Hardin.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Moore.	Rawlings.

Absent.

Hopkins.	Small.
Oneal.	Thomason.

Absent—Excused.

DeBerry.	Pollard.
Martin.	

Senator Purl moved to table the amendment. The motion was lost by the following vote:

Yeas—9.

Berkeley.	Purl.
Hornsby.	Rawlings.
Loy.	Williamson.
Moore.	Woodruff.
Poage.	

Nays—15.

Beck.	Greer.
Cousins.	Hardin.
Cunningham.	Holbrook.
Gainer.	Neal.

Parr.	Stevenson.
Parrish.	Thomason.
Patton.	Woodul.
Russek.	

Absent.

Hopkins.	Small.
Oneal.	Woodward.

Absent—Excused.

DeBerry.	Pollard.
Martin.	

The amendment was adopted by the following vote:

Yeas—15.

Beck.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Russek.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Woodul.
Neal.	

Nays—9.

Berkeley.	Purl.
Hornsby.	Rawlings.
Loy.	Williamson.
Moore.	Woodruff.
Poage.	

Absent.

Hopkins.	Small.
Oneal.	Woodward.

Absent—Excused.

DeBerry.	Pollard.
Martin.	

Senator Loy sent up the following amendment:

Amend House Bill No. 336 by striking out subdivision (A) of Section No. 3 and by substituting in lieu thereof, the following:

"No vehicle shall exceed a total outside width, including any load thereon, of eighty-four (84) inches except that the width of a farm tractor shall not exceed nine (9) feet, and except further, that the limitations as to size of vehicle stated in this Section shall not apply to implements of husbandry and highway building and maintenance machinery temporarily propelled or moved upon the public highway. Provided further, that any owner of a vehicle registered before, and being of lawful width on, April 1, 1931, may operate the same upon the highways of

this State until and including December 1, 1932, but not thereafter.

LOY.

Read and lost by the following vote:

Yeas—5.

Hardin.	Purl.
Holbrook.	Woodul.
Loy.	

Nays—19.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Poage.
Cunningham.	Rawlings.
Gainer.	Russek.
Greer.	Stevenson.
Hornsby.	Williamson.
Moore.	Woodruff.
Neal.	Woodward.
Oneal.	

Absent.

Hopkins.	Small.
Parrish.	Thomason.

Absent—Excused.

DeBerry.	Pollard.
Martin.	

Senator Purl sent up the following amendment:

Amend House Bill 336 by adding at the end of Section 5 thereof, the following:

"Provided, however, that the limitation as to weight of the vehicle and the loads on the vehicle, stated in this Section, shall not apply to vehicles of highway building and maintenance machinery operating within the limits of a project, or to and from the nearest source of materials or unloading points thereof," and usual savings clause.

SMALL.
PURL.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion was lost.

The amendment was adopted.

Senator Rawlings sent up the following amendment:

Amend Sub-section C, Page 2, of House Bill No. 336, so as to hereafter read as follows:

"No motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semi-trailer shall exceed a length of thirty-five (35) feet, and no com-

bination of such vehicles coupled together shall exceed a total length of forty-five (45) feet, unless such vehicle or combination of vehicles is operated exclusively within the limits of an incorporated city or town."

RAWLINGS.

Read and adopted.

Amend House Bill No. 336, page 3, by striking out Section 7 (a), lines 23 to 25, inclusive, and inserting in lieu thereof the following:

"Section 7 (a). No motor vehicle shall be driven upon any highway outside of the limits of an incorporated city or town drawing or having attached thereto more than one trailer."

RAWLINGS.

Read and adopted.

Amend House Bill No. 336, page 2, Section 3 (b), lines 52 and 53, by striking out the word and figures "eleven (11)," and inserting in lieu thereof the words and figures "twelve feet six inches (12' 6")."

RAWLINGS.

Read and adopted by the following vote:

Yeas—15.

Berkeley.	Parrish.
Cousins.	Poage.
Cunningham.	Purl.
Gainer.	Rawlings.
Hornsby.	Small.
Loy.	Thomason.
Moore.	Williamson.
Oneal.	

Nays—12.

Beck.	Parr.
Greer.	Patton.
Hardin.	Russek.
Holbrook.	Stevenson.
Hopkins.	Woodul.
Neal.	Woodward.

Absent.

Woodruff.

Absent—Excused.

DeBerry.	Pollard.
Martin.	

Amend House Bill No. 336 by striking out line 20, section 5, page 3, and inserting in lieu thereof the following:

"10,000 pounds on any such vehicle."

RAWLINGS.

The amendment was read.

Senator Poage sent up the following amendment to the amendment:

Amend Rawlings amendment by adding at the end thereof, the following words:

"Or train or combination of vehicles."

POAGE,
LOY.

The amendment to the amendment was read.

Committee Appointed.

The Chair announced the appointment of the following committee to escort Senator Costigan to the platform tonight:

Purl, Berkeley, Hornsby, Cunningham, and Woodward.

Bills Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Hornsby:

S. B. No. 613, A bill to be entitled "An Act imposing license fees on peddlers; providing the means, manner and time of collection; providing exceptions; prescribing definitions and measurers; providing for the issuance of licenses and for the forfeiture and cancellation of same; prescribing offenses, fines, penalties and punishment; making an appropriation and allocation of funds; providing generally for the enforcement hereof; and declaring an emergency."

Read and referred to Committee on State Affairs.

Recess.

On motion of Senator Russek, the Senate, at 5:46 o'clock p. m., recessed until 7:30 o'clock p. m.

After Recess.

The Senate met at 7:30 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Joint Session.

The Senate adjourned to the House for the joint session to hear Senator Costigan.

Recess.

The Senate returned to the Senate Chamber following the joint session and, on motion of Senator Woodruff, at 9 o'clock p. m., recessed until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Enrolled Bills.**

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 15 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 125 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 171, carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 17 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 30, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 360 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 589 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 593 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 17 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 357 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 27, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 38 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 608 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 28, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 594 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 610 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 415, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 812, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 979, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 628, have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WILLIAMSON, Chairman.

Committee Room,
Austin, Texas, April 30, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred H. C. R. No. 25, have had same under consideration and beg to report back with the recommendation that it do pass and be not printed.

DeBERRY, Chairman.

Committee Room,
Austin, Texas, April 30, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 10, Proposing an amendment to Section 23 of Article IV of the Constitution of the State of Texas, increasing the salary of the Comptroller, Treasurer, and the Commissioner of the General Land Office to Seven Thousand Five Hundred (\$7,500.00) Dollars per annum, providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriations therefor, etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 31, Proposing an amendment to Section 26, of Article 3, of the Constitution of Texas, by adding thereto Section 26a, providing that under no apportionment shall any

County be entitled to more than five (5) Representatives unless the population of such County shall exceed five hundred thousand (500,000) people; providing for the apportionment in counties of more than five hundred thousand (500,000) people; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, April 29, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 25, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section to be numbered 3, so as to authorize any county having more than sixty thousand (60,000) population to adopt a Home Rule Charter for the establishment and regulation of its government, which may provide that the Commissioners' Court of such counties may serve as the governing body, or that some other body shall act in lieu thereof, and said Charters may also provide that the county judge, justices of the peace, district and county attorneys and other officers in said counties may be compensated by salary instead of fees of office, and that any county office may be abolished, consolidated or created by the governing body of said county, and said charters may provide for taxation within the boundaries of said county, for the assessments of benefits therein and for the impounding of said assessment of benefits therein and for the impounding of said assessments and the issuance of obligations, pledging the faith and credit of said counties based on said impounding assessments, and said charters may provide that in addition to such governmental powers as now are or may hereafter be exercised by counties, towns or other independently governed districts, said counties may be divided into separate zones or areas for taxing, bonding or other purposes, and providing such coun-

ties may have the power to borrow money and issue their obligations so long as the total outstanding indebtedness at any one time does not exceed twenty-five per cent (25%) of the assessed taxable value of the real estate within such counties, which obligations must be payable serially and voted by the people unless they are issued to pay a lawful debt, and providing that no part of the Constitution inconsistent with this section shall control any county charter, but providing that no charter shall inconsistently affect the operation of the General Laws of the State, except the governing body of any such county may prescribe a schedule of fees of office which may be less than that prescribed in the General Laws of the State, and providing that any county once adopting a charter need not abandon it because of subsequent loss of population, and providing for the adoption of said charters by a vote of the people, and providing that any county having once elected to operate under a charter may abandon the powers therein contained, and further providing that the Legislature shall pass all laws necessary to carry out the intent and purpose of this section of the Constitution.

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, April 30, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 358, A bill to be entitled "An Act to amend Article 5353, 5354, 5358, and 5364, Division 2, Chapter 4, of the Revised Civil Statutes of 1925, relating to the sale of oil and gas leases on coastal areas and unsold unsurveyed school land so as to include all other minerals and unsold unsurveyed school land; authorizing the commissioner to fix a minimum price for leases; providing for the payments of annual rental and the disposition of all payments to the permanent school fund; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed because of advance printing in House Bill form.

PARRISH, Chairman.

Committee Room,

Austin, Texas, April 30, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 341, A bill to be entitled "An Act making it an offense for any person to enter any farm, garden, orchard, fruit, or pecan grove in this State with the intent to steal or carry away without the consent of the owner, or to aid or assist in stealing or so carrying away any farm product, garden product, fruit or nuts, growing or gathered; providing that certain facts shall constitute prima facie evidence of intent to steal or to carry away without the consent of the owner, or to aid or to assist in stealing or so carrying away such property; defining the word steal; providing that, if part of the Act be held unconstitutional the remainder shall be valid; fixing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments.

SMALL, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 341 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. Any person who shall enter any citrus orchard or citrus grove in this State, with intent to steal or carry away without the consent to the owner, or with intent to aid or assist in stealing or so carrying away any grapefruit, oranges, lemons, limes, or other citrus fruit, whether growing or gathered, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary for any term of years not less than one, nor more than five, or by fine not less than twenty-five (\$25.00) dollars nor more than one thousand (\$1000.00) dollars or both imprisonment and fine. It shall be

prima facie evidence of intent to steal or carry away without the consent of the owner or to aid or assist in stealing or so carrying away such property for any person, without the consent of the owner, and away from any established or customarily used gate or roadway, to enter with a truck, trailer, motor vehicle or other motor vehicle designed or used for transporting property, any such citrus orchard or citrus grove, or to so enter or be on, with or without any vehicle of transportation, such premises with any basets, crates, hampers, sacks, or containers, capable of being used in transporting any such property, or in the night time to enter or be on such premises without the consent of the owner of any such grapefruit, oranges, lemons, limes or other citrus fruit, with any motor vehicle without lights fully lighted in accord with the laws of this State with respect to the operation of motor vehicles upon the public highways at night."

Committee Amendment No. 2.

Amend S. B. 341 by striking out Sec. 2 and changing the numbers of the remaining sections to conform.

Committee Amendment No. 3.

Amend S. B. No. 341 by striking out the emergency clause and inserting in lieu thereof the following:

Se. 4. The fact that at the present time growers of citrus fruits in this State are suffering an annual loss of many thousands of dollars through theft and that in attempting to curtail this loss it has become necessary for growers to patrol their orchards at night creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read in each House on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 4.

Amend S. B. No. 341 by striking out all above the enacting clause and inserting in lieu thereof the following:

A BILL

To Be Entitled

An Act making it an offense for any person to enter any citrus orchard or citrus grove with intent to steal the

products of such premises; defining the word "steal"; providing that certain facts shall constitute prima facie evidence of intent to steal; providing that if part of this Act shall be held unconstitutional the remainder shall be valid; fixing a penalty; and declaring an emergency..

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 612, A bill to be entitled "An Act providing for the granting of certain easements to the United States Government in a portion of the present and former bed of Sabine Lake in and adjacent to the Port Arthur Canal and the Sabine-Neches Canal; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back with recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Cousins, Holbrook, Patton,
Stevenson, Parr. S. B. No. 612.

A BILL To Be Entitled

An Act providing for the granting of certain easements to the United States Government in a portion of the present and former bed of Sabine Lake in and adjacent to the Port Arthur Canal and the Sabine-Neches Canal; providing the means and manner thereof; providing exceptions and the purposes thereof; and declaring an emergency.

Whereas, the United States Government in the construction of deep-water channels known as the Port Arthur Canal and the Sabine-Neches Canal obtained from the land owners deeds for right of way and dumping grounds adjacent thereto for dredged material, and a question has arisen as to the sufficiency of the United States Government's title to portions of such right of way and dumping grounds upon the Sabine Lake side of said canals in that it now appears that the title thereto may be vested in the State of Texas as part of the former and present bed of Sabine Lake; and

Whereas, It is necessary in the dredging of said canals for mainten-

ance and for further improvement that the United States Government should have the necessary right of way therefor and that the dredged material should continue to be deposited on the Sabine Lake side of said canals as has been heretofore done; and

Whereas, In the interest of navigation and commerce, it is necessary that said canals should be further improved and maintained by the United States Government and said procedure be continued, and that the result thereof will improve navigation and will aid commerce and will prove beneficial to the State in many other ways;

Now Therefore Be it Enacted by the Legislature of the State of Texas:

Section 1. That there be and there is hereby granted to the United States Government, for the purpose of operating and maintaining the said Port Arthur Canal and Sabine Neches Canal, and for the purpose of further widening and otherwise improving said canals as may be authorized by Congress, a perpetual right and easement in and to any and all lands belonging to the State of Texas, within said canals and adjacent thereto on the Sabine Lake side thereof, which lands may have formerly been or may now be a part of the bed of said Sabine Lake.

Sec. 2. That there be and there is further hereby granted to the United States Government for the entire length of the Port Arthur Canal and the Sabine-Neches Canal, a perpetual right and easement along and upon the Sabine Lake side of said canals, for the purposes of depositing, dumping and pumping dredged material from said canals onto and into the former and present shore and/or bed of Sabine Lake; provided, however, that said Government shall not deposit or dump any such material along and adjacent to the Sabine-Neches Canal onto or into the shore or bed of said lake between the points represented by the southward projection of Houston Avenue, on the south, and Richmond Avenue, on the north, (which said avenues are shown upon the official map of the City of Port Arthur), and which is a distance of approximately 7,100 feet, except by and with the consent of the City of Port Arthur.

Sec. 3. The fact that the United

States Government will not proceed as heretofore in the maintaining and improving of said canals in the absence of the grant herein contained, and the fact that only a few days remain of this Session, create an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule that bills be read on three several days in each House, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 607, A bill to be entitled "An Act to create, validate and approve Dallas County Preston Road Fresh Water Supply District No. 10, in Dallas County, Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass, and be printed in the Journal.

MOORE, Chairman.

By Purl.

S. B. No. 607.

A BILL
To Be Entitled

An Act to create, validate and approve Dallas County Preston Road Fresh Water Supply District No. 10, in Dallas County, Texas, to declare it to be a legally constituted governmental agency and body politic and corporate, and its formation to be a benefit to all property within its bounds, and that its bounds were legally designated, and adding to its powers; to authorize, validate, and approve all acts and orders of the Commissioners Court of Dallas County, Texas, and of the Board of Supervisors of the District, its officers and representatives, in the formation of the District, and the transaction of its business; to authorize, validate, and approve all notices, postings, and returns, and all elections relating to the formation of the District, and of all hearings in connection therewith, and of all elections relating to or authorizing the issuance of bonds; to authorize, validate, and

approve all returns, assessments, and collections of taxes to provide funds to pay interest and provide a sinking fund for the redemption of such bonds, and to pay collection expenses and other expenses of the District; to authorize and validate all actions of the District in contracting for, or in obtaining, water for the District and its inhabitants from any other municipality or governmental or corporate body or agency, or in any other manner as provided by existing laws, and to bind the District to pay for such water and to distribute and collect for same; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Dallas County Preston Road Fresh Water Supply District No. 10, of Dallas County, Texas, heretofore organized under Chapter 4 of Title 128 of the Revised Civil Statutes of Texas of 1925, shall include within its limits the territory described in that certain order of the Commissioners Court of Dallas County, Texas, adopted on August 1, A. D. 1930 (recorded in Book 20, page 487, etc., of the Minutes of said court), and also in like manner herein described as follows, viz:

Beginning about five miles Northwardly from the court house in the City of Dallas, Texas, at a point, the intersection of the South line of the highway known as Lover's Lane with the West corporation line of the City of University Park in Dallas County, Texas, and in the S. Popplewell Survey, the same being also the intersection of the West line of a tract of land known as the Leslie Tract;

Thence West along the South line of Lovers Lane to the intersection of the South line of Lovers Lane with the Southeasterly line of Bluff View Estates produced;

Thence in a Northeasterly direction across Lovers Lane in line with the Southeasterly line of Bluff View Estates produced and continuing Northeasterly along the Southeasterly line of Bluff View Estates to the Northeast corner of Bluff View Estates;

Thence in a Northwesterly direction along the Northerly line of Bluff View Estates to its intersection

with the center line of Backman Creek;

Thence in a Westerly direction and Southerly direction along the center line of Backman Creek to the Westerly line of Midway Church Road;

Thence in a Northerly direction along the Westerly line of Midway Church Road to the North line of Royal Lane;

Thence East along the North line of Royal Lane to the East line of Air Line Road;

Thence South along the East line of Air Line Road to the South line of the Northwest Highway;

Thence West along the South line of the Northwest Highway of the West line of the Southern Methodist University 18 acre tract;

Thence South along the West line of the Southern Methodist University's 18-acre tract to the North corporation line of the City of University Park, the same being on the North line of a 10-foot alley South of Caruth Boulevard;

Thence West along the North line of a 10-foot alley South of Caruth Boulevard crossing Hillcrest Avenue, Turtle Creek Boulevard, and Hughes Drive, to the West line of a 250-acre tract of land purchased from Southern Methodist University and W. W. Caruth;

Thence South along the West line of the said 250-acre tract to the Southwest corner of Lot No. 1, Block No. 1 of University Heights second section, same being the Southwest corner of the said 250-acre tract of land and being on the North line of an alley South of Purdue Avenue;

Thence West along the North line of said alley South of Purdue to the East line of City Annexation No. 1, City of University Park;

Thence North with the East line of City Annexation No. 1, City of University Park, to the Northeast corner of City Annexation No. 1;

Thence West 3709 feet along the North line of Bryn Mawr Drive produced to a stake for corner;

Thence South 1790 feet to the South line of Lovers Lane, the same being the intersection of the West line of the Leslie Tract, the place of beginning; all as shown in red on map attached and made part of the original petition for the creation of the District on file in the office of

the Clerk of the Commissioners Court of Dallas County, Texas.

Sec. 2. That said District is hereby created, validated, and approved for the control, storage, preservation and distribution of fresh water from rivers streams, lakes, reservoirs, wells, and creeks for domestic and commercial purposes, and with all of the powers conferred upon water supply district by Chapter 4 of Title 128, of the Revised Civil Statutes of Texas of 1925, or by this Act; that said District, its creation and its organization, are hereby declared to have been and to be of benefit to all of the property within the bounds of this District.

Sec. 3. That the organization and establishment of said District by the Commissioners Court of Dallas County, Texas, together with all petitions, notices, postings, returns, orders, and hearings presented to, issued, made, or held by or to said Commissioners Court, or any other person performing any duty in respect thereto, are hereby authorized, ratified, approved and confirmed.

Sec. 4. That the election held within the District on August 2, 1930, for the purpose of determining upon the creation of the District, and the election of the supervisors and the tax assessor and collector of the District, together with all orders, notices, postings, returns, canvasses, and declarations of the results thereof qualifications and bonds of such officers, and organization of the Board of Supervisors of the District, are hereby validated and approved, and said District is hereby empowered to act as such and to hold biennial elections as provided in the chapter and title aforesaid for the purpose of electing future officers of the District.

Sec. 5. That the orders adopted by the Board of Supervisors of the District on November 13, 1930, submitting to the resident, qualified, property tax paying voters of the District the proposition for the issuance of the bonds of the District in the sum of \$175,000.00 for the purpose of constructing works and improvements within and without the District necessary to accomplish the plan of conservation, transportation, and distribution of fresh water adopted for and on behalf of the District, and the levying of a

tax on all the property in the District to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof, the notices issued and posted concerning and in advance of said election, the form of ballot used thereat, the designations and qualifications of the judges and clerks holding said election, their returns thereon, and the act of the Board of Supervisors in canvassing the vote cast at said election and in declaring the result thereof as recorded in the minutes of said Board, showing that majority of such resident, qualified, property tax paying voters voting on said propositions voted in favor of the issuance of said bonds and the levy of said tax, and all levies, assessments, equalizations, and collections of taxes made or to be made pursuant thereto, and all acts of said Board of Supervisors and said assessor and collector of taxes and boards of equalization in levying, assessing, equalizing, and collecting the same which have heretofore been made or done, are hereby authorized, legalized, validated, and approved, and said District as thereby and herein created is given full power and authority, through its officers, annually hereafter to levy, assess, equalize, and collect taxes on all taxable property in the District sufficient to pay the interest on said bonds and to create a sinking fund for the redemption of said bonds, and to defray the expenses of collecting so long as any of the interest or principal of said bonds shall remain unpaid.

Sec. 6. That the orders adopted by the Board of Supervisors of the District authorizing the issuance of the aforesaid bonds, prescribing the date and maturities thereof, rate of interest, places of payment of interest and principal, fixing the form of said bonds and their interest coupons, providing for the levy of ad valorem taxes upon taxable property in the District sufficient to pay the interest on said bonds, and to provide a sinking fund for the redemption of said bonds as they mature and the execution of said bonds, their approval, registration, and sale, are all hereby authorized, legalized, validated, approved, and confirmed, and said bonds are hereby constituted the legal, negotiable obligations of said District.

Sec. 7. That said District is hereby constituted a governmental agency and body politic and corporate, and by virtue of its organization under Chapter 4, of Title 128, and Articles 7673 to 7685, both inclusive, of the Revised Civil Statutes of Texas of 1925, and by virtue of this Act, shall have full power to sue and be sued, contract and be contracted with, with full power to conserve, control, store, preserve, and distribute fresh water from rivers, streams, lakes, reservoirs, wells, and creeks, for domestic purposes, with full power to issue bonds for the purpose of carrying out the objects of its creation, and to levy, assess, equalize, and collect taxes for the purpose of paying the interest on said bonds and creating a sinking fund to redeem such bonds as they mature, and to defray the expenses of collection, and to provide a maintenance fund sufficient to defray its expenses, and with power to employ engineers, attorneys, clerks, and laborers in carrying out the objects of its creation, with like effect as though at the time or times said acts and proceedings were done or had there existed full statutory authority for the doing thereof. The Legislature hereby exercises the authority upon it conferred by Section 59 of Article 16 of the Constitution of Texas and declares that said District, as above described and constituted, is essential to the accomplishment and purposes of said constitutional provision, is and shall be a governmental agency and body politic and corporate, with such powers of government and with the authority to exercise such rights, privileges and functions as are conferred in this Act, the general law referred to above, and all amendments thereto, and said constitutional provisions that it is and has been legal and valid from the date it was created by the Commissioners' Court and its boundary defined and the legislature confirms and ratifies all acts and proceedings essential to the accomplishment of the purposes of this Act, with like effect as though at the time or times each of said acts and proceedings were done or had there existed full statutory authority therefor.

Sec. 8. Said District is authorized and empowered to contract with the City of Dallas, or any other munic-

pal or governmental agency, or public or private corporation for supplies of fresh water to be used within or without the District for domestic and commercial purposes, and to control, store, reserve, and distribute the same, and to charge, collect, and use reasonable rates and prices for such water supplies and the services incidental to the same.

Sec. 9. That all orders adopted by the Commissioners Court of Dallas County and by the Board of Supervisors of the District in respect to the District, its organization, its several elections, its tax levies and tax rolls, its bond issues, as the same appear upon the minutes of said court or said District, or certified copies thereof, are hereby constituted legal evidence of such matters, and shall be authority of the Board of Supervisors annually to levy, assess, and collect the taxes herein referred to and any and all acts and proceedings had or taken by the Board of Supervisors and other officers of the District in the improvement of the District to accomplish the objects of its creation, are hereby authorized, legalized, validated, and approved.

Sec. 10. If any section or provision of this Act be held unconstitutional, or for any other cause be held ineffectual, no other section or provision of this Act shall be affected thereby.

Sec. 11. That all constitutional notices required to be given prior to and in the enactment of local or special laws have been duly given in the manner and form provided by law and due proof made thereof herein.

Sec. 12. That the public importance of the purposes herein contemplated and the urgent need of the District to proceed with its improvements create an emergency and an imperative public necessity requiring the constitutional rule that bills be read upon three several days in each House be suspended, and the said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, April 29, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 604, A bill to be entitled "An Act to create and establish Trinity River Canal & Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

MOORE, Chairman.

By Purl, Rawlings. S. B. No. 604.

A BILL

To Be Entitled

An Act (1 and 2) To create and establish Trinity River Canal & Conservancy District under authority of Section 59 of Article XVI of the Constitution of Texas, to be a governmental agency, a body politic, municipal and corporate; also stating the intent and defining certain words and expressions as used in this Act.

(3) Designating the area to be embraced in the District and making provision for excluding lands from, or adding lands to, the area of the District and prescribing the manner for so doing: Also providing for an election to be held in the District within one hundred and eighty (180) days after the effective date of this Act, and further providing for the dissolution of said District if a majority vote be cast therefor: Also requiring that the pre-election directors herein named before the holding of such election shall deposit Two Thousand (\$2,000.00) Dollars with the County Clerk of Dallas County and a like sum with the County Clerk of Tarrant County, to be held as a fund out of which to pay the costs of said election in case the electors of the District vote to dissolve the District, and providing for the return of said money to said Directors in case the electors vote to perpetuate the District.

(4) Conferring general powers and especially conferring on the District the powers and rights for

procedures which are provided by Chapter 25 of the Acts of the Regular Session of the 39th Legislature of Texas, and any amendment thereof, to control where not otherwise provided by this Act. Also giving certain specific and cumulative powers, which include: a—The power to make, or aid in the making of, surveys, investigations, and plans for the construction of certain improvements to provide a navigable waterway from Fort Worth and Dallas to Galveston Bay, together with all needed and supplemental facilities for the accumulation, protection, handling and delivery of freight: b—Giving the right to expend such sums as reasonably are required to procure the co-operation of the Federal Government, and others, to accomplish the objects of this Act, to the end that said Canal may be provided and maintained by the Federal Government: c—Providing that said District, being thereto authorized by a favoring vote of a majority of the resident property tax-paying voters of the District, may enter into contract with the Federal Government to contribute to the cost of said Canal: Also giving the power to provide, maintain and operate lateral tributary canals, or turning basins, to serve local needs to permit navigation, or in aid thereof: And, conferring the power to provide, maintain, operate, regulate, and, or, by franchise control, warves, docks and other specified facilities deemed by this Legislature to be inherently required to make practical the construction and operation of the proposed Canal, and to preserve the rights of the public to use the same, without discrimination and at reasonable rates for service to be rendered by means of said Canal, and its supplemental facilities: e—Providing powers cumulative of said Chapter 25 (relating to Water Control and Improvement Districts), subject to authorization by a majority vote of the resident property taxpaying electors of the District and as provided in Section 59 of Article XVI of the Constitution and said Chapter 25, to contract with the Fed-

eral Government and therein create obligations of the District, and, or, to issue and sell bonds, and to levy taxes adequate to retire the same, all of which may be done to accomplish the purpose for which this District is created: Providing that taxes to pay obligations created hereunder shall be on the basis ad valorem and sufficient to retire such obligations, and limiting the total of obligations, pledging the full faith and credit of the District, which may be outstanding at any one time, to a sum not exceeding three (3%) per centum of the property values within the District's taxing power, which provision, however, shall not apply to obligations issued to provide local improvements, when such obligations are supported by the specific assessment of benefits, in lieu of a tax: Also providing the same powers and limits of bonding total as to any defined area, either within or beyond the boundaries of the District, when defined and required for the purpose of providing improvements designed primarily to serve a local convenience and necessity, and to form a facility supplemental to said Canal: Further authorizing the District to issue its obligations pledging that faith and credit which may be based on the taxable property values within any such defined area; Also providing that such local improvements may be financed by the District upon the basis of the assessment of specific benefits, as provided by said Chapter 25: Also giving the power to adopt tax plans which will in fact equitably distribute the District's taxes: f—Giving the power of eminent domain and providing the mode for the exercise of same, which shall be held to include the right to use and control the natural bed and banks of the Trinity River insofar as expedient to effect the purpose of this Act, and insofar as may be done without violating the right of others: Also investing this District with the State's rights of control and title to the bed, and banks of the Trinity River, and certain tributaries thereof, in trust, for use or disposition to effect the

purposes of this Act: g—Providing that the basic powers and as well the methods for procedures provided by said Chapter 25, shall be exercised by this District as cumulative of the powers by this Act conferred, and where not otherwise provided herein: Also providing for the adoption of regulations to govern procedures where required practically to accomplish the purposes of this Act.

(5) Granting the power, by ordinance of the municipality created hereby, to adopt powers granted by statute to certain other of this State's governmental agencies and corporate creatures: Further to prescribe regulations for procedures, where not adequately provided by Chapter 25; fixing a lawful method for the adoption and promulgation of ordinances and providing that the same shall not be arbitrary or confiscatory in character; further, providing that all persons and Courts shall take notice thereof.

(6) Constituting and providing a Board of Directors to administer the powers and duties of this District and providing for the election thereof after the end of the preliminary period of the District: Providing for the organization of the Board for the conduct of business and fixing the compensation to be paid directors: Giving them power to adopt by-laws not inconsistent with the law, to employ persons necessary to accomplish the District's work, and to constitute an executive committee to act concerning matters admitting of later approval by the Board: Also defining the preliminary period of the duties of this District: Giving the power to define directorial districts in order to effect territorial representation on the Board and providing for filling vacancies in the Board of Directors.

(7) Provision for financing this District during its preliminary period by grant of the power to levy annual taxes not to exceed two (2) cents on the One Hundred (\$100.00) Dollars of value of the property assessable for taxation within the District as the same may be assessed for State and county purposes: Also grant-

ing the District the right to borrow money and execute its obligations therefor, when necessary to provide money for current expenses, and to pledge the taxes levied but not collected for any current year within which necessity for this power may exist: Also limiting this power and denying this District the right to issue preliminary bonds.

(8) Making provision for the levy, assessment and collection of the District's taxes, and establishing the mode of effecting the same, in manner practicable for this District: Also fixing the compensation to be paid to tax assessors and tax collectors for the District.

(9 and 10) Giving this District power to grant franchises for the provision and operation of facilities incident to the successful operation of the Canal, and therein prescribe the conditions under which such franchise may be exercised and to police the manner in which such franchises may be exercised; to regulate tolls for Service by means of any such facility tendering service to the public; and to prevent discrimination: Also providing that such facilities may be maintained only under a franchise: Also giving this District power to adopt and enforce all reasonable rules and regulations to accomplish the objects of this Act and to prescribe penalties for the violation thereof, which in certain cases will authorize judicial forfeiture of a franchise: Giving the District power to constitute its own constabulary to protect property owned or controlled by it, and to police observance of the ordinances of regulation adopted by the District: Limiting penalties which may be prescribed by the District and providing judicial enforcement of same: Fixing certain purposes for which, the conditions under which, and the manner in which, this District may adopt ordinances, and enforce the same hereunder.

(11) Prescribing certain duties to be discharged by the State Board of Water Engineers and the Reclamation Engineer of Texas, but subjecting their powers to the lawful powers of the Federal Government to control navigation

upon the Canal proposed hereby to be procured for the State, but protecting the State against invasion of a water right held under prior grant by it; Also providing that if no provision for a procedure, valid within the intent of the Federal and State Constitutions, and practicably applicable for the discharge of the duties by this Act imposed on said District, is found within the law, then, that the District by ordinance (to be both constitutional and applicable) may provide for such procedures: Also providing that in case any one or more provisions of this Act be found invalid, that the same shall not operate to impair the creation and establishment of this District, or any other provisions in this Act, contained.

(12) Stating the reasons constituting an emergency, declaring the same and providing a day upon which this Act is to be effective.

Be it enacted by the Legislature of the State of Texas:

Section 1. (Definitions and Intent of Terms As Used in This Act.) To promote brevity in this Act certain expressions, unless otherwise specified, will be understood to have meaning as follows, viz:

(a) The words "the district," "said district" or, "this district" shall be understood to mean Trinity River Canal & Conservation District.

(b) "Section 59" shall be understood to mean Section 59 of Article XVI of the Constitution of Texas, as the same now provides.

(c) "Chapter 25" shall be understood to mean Chapter 25 of the General Laws passed by the 39th Legislature of Texas at the Regular Session, which adjourned on March 19, 1925, and, where not otherwise provided herein, to include any present or future amendment thereof.

(d) The words "Board," or, "the Directors," shall be understood to mean the Board of Directors of this District, or the members thereof in their official capacity.

(e) The word "Federal" shall mean, or relate to, the government of the United States of America, and, or, its functions or subsidiary agencies.

(f) The word "State" shall mean, or relate to the government of the

State of Texas, and, or, such of its functions and agencies as are appropriate to accomplish the objects of this Act.

(g) The word "Canal" as used herein shall be understood to designate a navigable water way to be provided in part by the natural bed and banks of the Trinity River, and, or, its tributaries, and in part by new correlated artificial streamways, together with other works, and supplemental or auxiliary facilities to provide water, control the same, and to collect, store, load, move, receive, deliver and interchange cargo, in such manner as to make practicable, promote, aid and encourage, navigation on said Canal between Fort Worth and Dallas and an intersection of said Canal with the Federal Coastal Canal proposed to traverse Galveston Bay, and to other points to be reached by navigation through Galveston Bay.

(h) The words "voters" or "electors" shall be understood to mean qualified tax paying voters, who actually reside in, and are subject to the payment of taxes in, the area included in the boundaries of this District, or, in appropriate case, some lessor defined, or proposed, taxing area within this district, or proposed to be added to the area of said District.

(i) Where not otherwise differently provided herein, the word "notice" shall mean publication in one or more newspapers to give general circulation in this District, once a week in two issues, to be seven days apart, the first publication to be not less than twelve days, nor more than sixteen days, prior to the day on which an act is proposed to be considered or done. Such notice shall state the time and place fixed for considering or effecting any proposal. Such notice shall be sufficient if it sets forth in condensed form the substance of any proposed act, and states that any interested person will be heard to appear to content for or against the act which may be proposed.

(j) The word "person" will include both the singular and the plural, associations by contract and corporate creatures both public and private.

Sec. 2. (District Created). It being, among other things and in substance, declared by Section 59 of Article XVI of the Constitution of

Texas, that control of the waters of the State and the navigation of its inland and coastal waters are public rights and public duties, which may be effected through the creation of, or the division of the State into, such conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes expressed in said Section 59, which said Section further imperatively makes it the duty of the Legislature to pass all such laws as may be appropriate to accomplish the purposes of said Section 59; and, this Legislature, having determined the necessity therefor, in obedience to the injunction imparted by said Section 59, hereby does create Trinity River Canal & Conservancy District, which hereby is established instantly to be a governmental agency, a municipality, body politic and corporate, intended to exercise, both within the boundaries, and beyond the boundaries, of said District, the full sovereignty of the State, in behalf of the State, in so far as is intended by this Act, to effect the objects hereby sought to be accomplished by the State under the provisions of said Section 59. This provision, however, shall be subject to the further provision of this Act relating to the manner in which said District shall be dissolved, in case the electors thereof so determine.

Sec. 3. (Area of the District And Provision for Changing Same.)

(a) The area of said District hereby is established to embrace the area within the boundaries herein next set forth. In describing said boundaries reference will be made by metes and bounds to establish land marks, land survey boundaries and, or, certain public records wherefrom boundaries may be made certain. Said boundaries are specifically designated and defined as follows, viz: Beginning at the intersection of the East line of Tarrant County with the North line of the W. P. Crocker Survey; thence northwesterly in a straight line to the intersection of the northerly property line of the Chicago, Rock Island & Gulf Railway with the East line of the J. Burnett Survey; thence westerly and southwesterly along said northerly and along the northwesterly property line of the Chicago, Rock Island & Gulf Railway to the East line of the L. J. Tinsley survey which is the West line of the S. El-

liott survey; thence southwesterly in a straight line to the northwest corner of the J. Lynch survey which is a point in the south line of East First Street in the Riverside Addition and is also a point in the limits of the City of Fort Worth; thence along the limits of the City of Fort Worth as follows: West along said South line of East First Street to the West line of the Kings Highway; thence north along said West line of Kings Highway to the South line of Parrish Road; thence West along said South line of Parrish Road to the southeast line of the Grapevine Road; thence southwest along said southeast line of Grapevine Road to the east line of the J. B. York survey; thence north leaving the limits of the City of Fort Worth to the northeast corner of the Allen Beard Survey, same being the southeast corner of the David Odum survey; thence east along the south line of the Odum survey and the S. A. & M. G. R. R. Survey to the southwest corner of said S. A. & M. G. R. R. survey, same being the northwest corner of the James Wallace survey; thence south along the west line of the James Wallace survey to the south line of Thirty-Seventh Street, which is a point in the limits of the City of Fort Worth; thence along said limits of the City of Fort Worth as follows: West along said south line of Thirty-seventh Street to the east line of Refugio Avenue; thence South along the said East line of Refugio Avenue to the point of intersection with the South line of Thirty-fifth Street; thence West along the South line of Thirty-fifth Street to the point of intersection with the East line of the road known as the Azle Road; thence in a general Southerly direction along the East line of said Azle Road to the point of intersection with the South line of Thirty-third Street produced; thence West along the south line of Thirty-third Street produced to the intersection with the Southwest line of Thirty-second Street; thence Northwest along the Southwest line of Thirty-second Street to the point of intersection with the East line of Taylor Avenue; thence along the East line of said Taylor Avenue to the point of intersection with the North line of Twenty-first Street produced; thence in a southeasterly direction along said north line of

Twenty-first Street produced and Twenty-first Street to the west line of the A. T. Card Survey; thence south along the west line of the A. T. Card Survey and L. Moore Survey produced to a point where the center line of Twentieth Street produced would intersect; thence in an easterly direction along the center line of Twentieth Street to the northwest corner of the R. O. Reeves Survey; thence south along the west line of the said Reeves Survey to an intersection with the southwest line of lots 1 and 2 of Belmont Gardens; thence southeastwardly to and along said lines to the south corner of lot 2; thence northeast along the southeast line of lot 2, and continuing same course to the northeast line of Terrace Avenue; thence southeastwardly along the said line to the southeast line of Twelfth Street; thence southwestwardly along said line to the southwest corner of block 134 of North Fort Worth; thence southeastwardly along the south lines of blocks 134 and 135 to the west line of Oakwood Cemetery; thence south along said west line to the south line of the J. Baugh Survey; thence east along the south line of the J. Baugh Survey to its southeast corner and the northwest corner of the A. Gouhenant Survey; thence south along the west line of the A. Gouhenant Survey and the east line of the R. Crowley Survey to the intersection with the south line of the White Settlement Road or Franklin Street; thence leaving the limits of the City of Fort Worth as follows: West along said south line of the White Settlement Road to the intersection of said south line and the west line of Bailey Avenue, which point is in the limits of the City of Fort Worth; thence along said limits of the City of Fort Worth as follows: West along said south line of the White Settlement Road to the west line of the J. W. Conner Survey; thence southerly along said west line to the north corner of block 61 of River Crest; thence southwestwardly along the northwest line of said block to its northwest corner; thence in a southerly direction along the west lines of said block to its southwest corner; thence west to a point north of the northeast corner of block 55 of River Crest Ave.; thence south to said corner; thence west to the east line of Hill Crest

Ave.; thence southerly along the east line of Hill Crest Avenue to the south line of Crestline Road; thence west along said south line to the west line of Carleton Avenue; thence north 460 feet; thence west 345 feet to the east line of Western Avenue produced; thence south along said line to the south line of Crestline Road; thence west along said south line to a point south of the southeast corner of block 29 of River Crest; thence north to the northerly line of Alta Avenue; thence in a northeasterly direction along the northerly line of the said Alta Avenue to the southeast corner of block 60 of River Crest; thence northerly along the east lines of the said block 60 to its northeast corner; thence in a southwesterly direction along the northerly lines of blocks sixty, fifty-four, sixty-five, forty-six, forty-five, thirty-seven, thirty-six, twenty-four to twenty, in all to the northwest corner of block twenty; thence south along the west lines of blocks twenty, nineteen and eighteen and continuing same course south in all to the northerly line of block C of Arlington Heights; thence in a westerly direction following along the northerly lines of blocks C and D to the southwest corner of block D; thence west to the northerly line of block F; thence along the northerly lines of block F. to the east line of block one of Fort Worth Country Club or Westover; thence northerly along said east line to the northeast corner of lot two in said block one; thence west to the northwest corner of lot two; thence westerly to the northeast corner of block thirty of Arlington Heights; thence west along the north lines of blocks thirty and twenty-nine to the northwest corner of twenty-nine as originally platted, in the east line of the Seventeenth Street; thence south along the east line of Seventeenth Street to the southwest corner of block 126 of second filing of Arlington Heights; thence East along the south line of the intervening blocks to the southeast corner of Block 134, said south line being one block south of Helmick Avenue; thence north along the east lines of the intervening blocks to the south line of Block 30, said east line being one block east of Pentacost Street, thence east along the south lines of the intervening blocks to the

southeast corner, of Block 34, said south line being a North line of Bonnell Avenue produced; thence South to the Northwest line of Valentine Street; thence northeast along the said north line to the southwest line of Hopkins Street; thence southeast along said line to the Northwest line of Granbury Road; thence northeast along the said line to the south line of the W. D. Conner survey; thence east along the south lines of the said Conner and of the T. White surveys to the North line of right-of-way of the Texas Pacific Railway; thence northeasterly along said north line to the Granbury Road; thence north to the north line of said road; thence northeasterly along said north line to the west bank of the Clear Fork of Trinity River; thence up the said West bank in a southerly direction to the center line of the T. & P. Railway; thence running in a southerly direction along the said West bank of the Clear Fork to a point where the same intersects the west line of the E. S. Harris survey; thence south along the said west line of the E. S. Harris survey to the southwest corner thereof; thence South 64° west 442 feet to the northeast corner of the A. B. Conner survey; thence west along the north line of the Conner survey 1122 feet; thence south 1408 feet; thence west to an intersection with the east line of Boyd Avenue produced; thence south along the east line of Boyd Avenue produced and Boyd Avenue to an intersection with the north line of the tract upon which is situated the Municipal Golf Courses; thence west to the northwest corner of said Golf Course tract; thence south to the southwest corner of the said tract; thence east to the southeast corner thereof; thence north along the east line thereof to a point 40 feet west of the northwest corner of the E. South-erland survey; thence east to the east line of the Cleburne Pike; thence southwesterly and south along the said east line of Cleburne Pike to a point due east of the northeast corner of the T. McCanne survey; thence west to the northeast corner of the T. McCanne survey; thence west along the north line of the T. McCanne survey 262 feet to a point; thence south 600 feet to a point; thence east to the point of intersection with the east line of the Cleburne Pike; thence south along the east line of the Cleburne Pike to a point east of the northeast

corner of Horne Heights; thence west to the northwest corner of Cole Highlands; thence south to the southwest corner of Cole Highlands; thence east to the east line of Wellview Avenue; thence south along the said east line of Wellview Avenue to the north line of Spurgeon Street produced; thence east along said north line of Spurgeon Street to the west right-of-way line of the Santa Fe Railroad; thence south along said west right-of-way line to the south line of the Seminary Hill Addition; thence east along the south line of the said Seminary Hill Addition to the west line of Reeves Avenue; thence north along the west line of said Reeves Avenue to the north line of Felix Street; thence east along the north line of Felix Street to the east line of Hemphill Street; thence north along the east line of Hemphill Street to the north line of Calvin Street; thence east along the north line of Calvin Street to the east right-of-way line of the M. K. & T. Railroad, running between Fort Worth and Hillsboro; thence in a northerly direction along the said east line of the M. K. & T. right-of-way to an intersection with the north line of Pafford Street, east of the M. K. & T. Railroad; thence east along the north line of said Street to an intersection with the west line of south Pecan Street; thence north along the said west line of south Pecan Street to an intersection with the north line of the E. S. Ellis survey produced; thence east to and along said north line of the Ellis Survey to the west line of the right-of-way of the main line of the I. & G. N. Railway; thence in a northerly direction with the west line of said main line right-of-way to its intersection with the west line of the spur tract connecting the I. & G. N. main line with the M. K. & T. Railway line; thence in a northwesterly direction following the west line of the right-of-way of said I. & G. N. spur track to its intersection with the west line of South Pecan Street; thence north along said west line to the northwest corner of the George Hertsog Survey and the southwest corner of the A. Stinson Survey; thence east along the north boundary line of the said Hertsog Survey to a point in the boundary line due south of an extension of the west boundary line of the B. F. Waller and the J. Sanderson Survey; thence northerly along the

said line to the northwest corner of the S. P. Loving Survey; thence easterly along the north boundary line of the S. P. Loving and the South boundary line of the E. S. Terrell Survey to the westerly boundary line of the tract conveyed by the O. K. Cattle Company to the City of Fort Worth, and known as Cobb Park; thence southerly, easterly and northerly along the lines of said tract to an intersection with the south line of the said E. S. Terrell Survey; thence east along said line to the west line of the J. Justice Survey; thence north to the northwest corner of the J. Justice Survey; thence east along the north line of the J. Justice Survey to the east line thereof, which is the west line of the R. R. Ramey Survey; thence north along said west line to the middle line of the said Ramey Survey; thence east along said line in Tarrant Avenue to the east line of the said Ramey Survey; thence north along the east lines of the said Ramey and of the J. Tuel Survey to the south line of the P. Anderson Survey; thence east to the southeast corner of the said Anderson Survey; thence north along the east line of the Anderson Survey to the south line of the right-of-way of the Texas and Pacific Railway; thence eastwardly along said right-of-way line to the west line of the road called Tierney Road, which runs along the east line of the P. H. Ahler Survey; thence north along the west line of the said road to the north line of the Ederville Road; thence west along said north line about 100 feet to the west line of the Tierney Road; thence north along said west line about 867 feet to the northeast corner of the Ed N. Shaw 12-acre tract; thence west along the north line of said tract and of the J. J. Sweet tract about 1,108 feet to the east line of an unnamed Street along the east side of Edgewood Heights; thence north along the East line of said Street to a point east of the northeast corner of Edgewood Heights; thence West along the north line of Edgewood Heights to the northwest corner thereof in the east line of the Wm. Edwards Survey; thence north to the northeast corner thereof; thence west along the north line of said Edwards Survey to the southwest corner of the W. L. Tandy Survey; thence leaving the limits of the City of Fort Worth, north along the west line of the W. L. Tandy Survey to the northwest corner of said

Tandy Survey; thence northeasterly in a straight line to the south end of the west line of the J. Brockman Survey; thence east along a line between said Brockman Survey and the J. W. Haynes Survey and along said line produced to the west line of the H. Robinson Survey; thence northeasterly in a straight line to the northwest corner of the G. W. Main Survey; thence east along the north line of the said Main Survey to the northeast corner of said Main Survey; thence northeasterly in a straight line to the northeast corner of the W. Masters Survey; thence southeasterly in a straight line to the southwest corner of the J. R. Newton Survey; thence east along the south line of the J. R. Newton and A. Hampton Surveys to the southeast corner of the A. Hampton Survey; thence southeasterly in a straight line to the Southwest corner of the W. G. Elkins Survey; thence east along the south line of said Elkins survey to the southeast corner of said Elkins Survey; thence northeasterly in a straight line to the north point of the T. J. Dalton Survey; Thence southeasterly in a straight line to the southwest corner of the P. F. Dalton Survey; thence east along the south line of said P. G. Dalton Survey to the northwest corner of the T. Dalton Survey; thence south along the west line of said T. Dalton Survey to the southwest corner of said T. Dalton Survey; thence east along the south line of said T. Dalton survey to the southeast corner of said T. Dalton Survey; thence northeasterly in a straight line to the northeast corner of the M. Coleman Survey; thence east along the north line of the J. W. Haynes Survey to the northeast corner of said Haynes Survey; thence north along the line between the two J. Brown Surveys to the southwest corner of the N. Underwood Survey; thence east along the south line of said Underwood Survey to the southeast corner of said Underwood Survey; thence southeasterly in a straight line to the intersection of the south line of the H. P. Crocker Survey with the east line of Tarrant County, which is the west line of Dallas County; thence in a general southeasterly direction on a direct line to the southeast corner of the C. Campbell Survey; thence in a northeasterly direction on a direct line to the northeast corner of the D. T. Pierson Survey;

thence in a southeasterly direction on a direct line to the southwest corner of the W. T. McLaughlin Survey, Abstract No. 892; thence east to the southeast corner of said McLaughlin survey, at northwest corner of Jno. Horton Survey, Abstract No. 611; thence south to the southwest corner of said Horton Survey; thence east to the southwest corner of the J. E. Helms Survey; thence south to the southwest corner of the Jas. McCommas Survey; thence east to the southeast corner of the Jas. McCommas Survey at the southwest corner of the W. W. Conover Survey; thence south to the southwest corner of the W. J. Walker Survey; thence east to the southeast corner of the J. M. Patterson Survey, same being northwest corner of J. Narboe Survey; thence south to southwest corner of J. M. Bledsoe Survey; thence east to the southeast corner of the J. Thomas Survey, Abstract No. 1502, in the west line the J. Riley Survey; thence south to the northwest line of Jas. Cole Survey, Abstract No. 232; thence southwesterly to west corner of said Jas. Cole Survey; thence southeasterly to south corner of said Jas. Cole Survey; thence northeasterly to east corner of said Jas. Cole Survey in the west line of the G. L. Haass Survey; thence northwesterly to northwest corner of said Haass Survey; thence northeasterly along the north line of said Haass Survey and said northline produced to its intersection with the east bank of the Trinity River; thence up the east bank of said Trinity River with its meanders to its intersection with the west bank of White Rock Creek; thence in a northerly direction following the meanders of west bank of said White Rock Creek to its intersection with the south line of the public road from Dallas to Garland, known as State Highway No. 1; thence following the south or east line of said Highway to the east corner of the C. A. Lovejoy Survey, Abstract No. 829; thence in a northwesterly direction with the northeast line of said C. A. Lovejoy Survey to the north corner of same; thence in a northerly direction to the north corner of the John H. Hyde Survey; thence in a northwesterly direction to the north corner of the D. A. Murdock Survey; thence in a southwesterly direction with the north-

west line of said D. A. Murdock Survey to its intersection with the west right of way line of the M. K. & T. Railway Company; thence in a southerly and westerly direction with the said west or northwest right-of-way line of said M. K. & T. Railway Company, to its intersection with the west line of the W. P. Garder Survey; thence north to the northeast corner of the A. Brandenburg Survey; thence due west along north line of A. Brandenburg and J. Baker Surveys to the east line of the Cotton Belt Railway right-of-way; thence southerly with the east right-of-way line of said Cotton Belt Railway Company to the south line of the A. J. Mannin Survey, Abstract No. 948; thence due west to the north line of the Dickerson Parker; thence in a northwesterly direction to the north corner of said Parker Survey; thence in a southwesterly direction with the northwest line of said Parker Survey; to the northeast corner of the H. Webb Survey; thence west to the northwest corner of the H. H. Newton Survey; thence south to the southwest corner of the Newton Survey at the northwest corner of the W. M. Moon Survey; thence east to northeast corner of said Moon Survey; thence south to the southeast corner of said Moon Survey; thence west to southwest corner of said Moon Survey in the east line of the J. Moon Survey; thence south to the southeast corner of the J. Moon Survey in the north line of the W. W. Stockton Survey; thence east to the northeast corner of said Stockton Survey; thence south to the southeast corner of said Stockton Survey; thence west to the northwest corner of the H. Incas Survey and southwest corner of the J. O. Doke Survey; thence due south across the Geo. W. Peeler Survey and the B. Kiefer Survey to south line of said B. Kiefer Survey and in the north line of the J. B. Earhart Survey; thence west to northwest corner of the J. B. Earhart Survey; thence south to the southwest corner of the J. B. Earhart Survey in the east line of the Israel Jennings Survey; thence in a westerly direction to a northwest corner of the I. Jennings Survey and at the southwest corner of the Thos. Stokes Survey; thence south to southeast corner of

N. Aldridge Survey; thence west to the southwest corner of the N. Aldridge Survey; in the east line of J. Mongrave Survey; thence south the southeast corner of said Mongrave Survey at the northeast corner of the J. C. Reed Survey; thence west to northwest corner of P. Linney Survey at the southwest corner of the J. Mongrave Survey; thence in a northwesterly direction, on a direct line, to the intersection of west line of Dallas County and the east line of Tarrant County with the north line of the W. P. Crocker Survey, the point of beginning.

It is further provided that if and when the same may be determined, said District shall include all other defined areas of land acquired by, or placed under easement to, or control by this District.

(b) The pre-election directors of this district, within one hundred and eighty days next after the effective day of this Act, shall order and cause to be held an election within the District at which time there shall be submitted to the qualified voters of the District the following issues, viz: "Approving Creation of the District and the Levy of a Preliminary Tax of not to Exceed Two Cents on Each One Hundred Dollars of Assessed Values," and, contrarily, "For Dissolution of the District." Said issues as herein stated shall be printed upon the ballot to be used in said election. Said election shall be held after such notice and in the manner provided by Chapter 25 of the Acts of the 39th Legislature of Texas, Regular Session. It is provided that for the purpose of holding said election the directors, by an order entered in their minutes, may define voting precincts, to control in the holding of said election, which precincts in so far as is appropriate shall conform to the official precincts established by the Commissioners' Courts of the counties in which the district is situated. Further, it is provided that Directors of the District for its preliminary period shall be nominated and elected as follows, viz: Any two hundred or more qualified electors of the District may file with the secretary of the Pre-election Board of Directors herein provided for, a written petition nominating nine, or any number fewer than nine, candidates for Directors. Such petitions shall bear

the written agreement of any named proposed Director to serve in case he be elected. Such petitions may be signed only by the persons whose name may be subscribed thereto, and each such name shall be followed by the correct residence address and statement of the occupation of the signatory party: Said petition shall contain the statement that the signatory parties are qualified electors in the District and taxpayers therein: Said petition shall be verified by the person, or persons, circulating the same by an oath in form substantially as follows, viz: "I solemnly swear (or affirm) that each name appearing, or affixed to the foregoing petition was subscribed in my presence by each person whose name appears thereon. I further swear (or affirm) that each such person is to the best of my knowledge and belief a bona fide resident, a qualified voter within the District, and a taxpayer therein. Petitions which are identical in all respects, save as to the names subscribed thereto, shall be considered as one petition: Such petitions may be filed at any time up to a day not less than twenty days prior to the day set for the election to be held hereunder.

In canvassing the returns of the election hereunder, the vote in the District as a whole (without regard to the boundaries of any other political incorporated creature of the State) shall be totaled for and against the proposition submitted, and if the votes approving the creation of the District exceeding in number the contrary votes, this District immediately shall be entitled to exercise the powers by this Act conferred. The nine persons who in numerical order receive more votes than are received by other persons proposed for directors (to the end that there will be nine directors so chosen, all to be residents of the District, not fewer than four to be residents of Dallas County and not fewer than four to be residents of Tarrant County) shall be declared to have been elected and said Directors shall serve for two years from the date of their election, or until their successors shall have been elected and qualified. The succeeding elections of directors, during the preliminary period of this District shall be at intervals of two

years in such manner that a new board may be qualified to serve by the expiration of the term of the prior board. The election of preliminary directors hereunder shall be after such notice and in the manner provided for the election of directors by said Chapter 25, provided, however, that during the preliminary period the entire board of directors shall be elected, and such elections shall conform to the time herein provided. Further, the term of preliminary directors serving at the termination of the preliminary period fixed in this Act shall terminate with the end of said preliminary period. After the termination of said preliminary period, the election of directors, in so far as applicable, shall conform to the provisions of said Chapter 25. If at such election a majority of the electors voting therein vote "For Dissolution of the District," it shall so be.

Provided however said election shall not be ordered or held until the pre-election directors named in subsection a of Section 6 hereof shall deposit with the County Clerk of Dallas County Two Thousand (\$2,000.00) Dollars and a like amount with the County Clerk of Tarrant County which shall be paid out by the said clerks if the district be dissolved upon vouchers approved by a majority of the said pre-election directors for the expenses incident to the election, any money not so paid out to be returned to the said directors.

(c) The Board of Directors of the District (to include the preliminary period) shall have power, either voluntarily or upon petition, to exclude lands, or defined collective areas of land, from the District, after such notice, after such hearing and for the reasons set out in Section 8 of Chapter 280 of the Acts of the Forty-first Legislature of Texas, Regular Session, as the same now provides. Upon the petition of the owner of any land, or upon the petition of five per centum of the owners of the land in any defined county, or lesser defined governmental unit within one or more counties, or other lesser area comprising contiguous lands held in more than five separate ownerships, the Board shall give notice of hearing of such petition, shall hear

the same, and shall grant or refuse the same upon the grounds set out in said Section 8 of said Chapter 280, provided, however, that no area of land may be added save upon a favoring vote, or verified petition, by a majority of the resident qualified voters who own land within the area proposed to be added to the District, and who actually vote, or petition, concerning such proposal. Any election held hereunder shall be controlled, insofar as appropriate, by the provisions of said Chapter 25 relating to a proposal to create a district thereunder.

Sec. 4: (Specifications Of Powers.) Any and all powers, whether general, special, express or implied, and as well all rights for procedure, conferred by this Act and by said Chapter 25 upon this District, may be exercised within the boundaries of the District, and, when deemed needful or helpful to effect the intent of this Act, then such powers may be exercised beyond the boundaries of said District. The specification of powers herein contained shall not be held to exclude or diminish any other power available to the State, or any of its subsidiary governmental agencies, as a means to effect of this Act, having regard only to other and controlling provisions of the Federal and State Constitutions concerning the rights of others. In addition to such general powers this District shall have those certain primary powers, and for the particular purposes, here set forth, viz:

(Certain Primary Powers.)

(a) To make preliminary investigations and surveys in the manner and for the purposes specified in said Chapter 25 (either independently at its own cost, or jointly with another, or to contribute to the cost thereof when done by another,) whereby to procure cooperation by others, and especially to procure cooperation by the government of the United States of America, to the end that said Canal may be approved for construction as a federal project under such contractual terms and conditions as may be demanded by the Federal Congress.

(b) To expend all sums reasonably deemed to be necessary or expedient for seeking cooperation in accom-

plishing the objects of this Act from the Federal Government and, or, any and all other persons, creatures or entities, whether natural or creatures of law, or contract, and especially in procuring the Congress of the United States of America to approve said Canal as a Federal project, to be provided, maintained and operated by the Federal Government, which powers, shall include the right to pay the reasonable cost of procuring the creation of this District.

(c) Subject only to authorization by the qualified electors of this District, either as an incidental requirement therefor, or after final approval of said Canal as a Federal project, this District shall be authorized to enter into contract with the United States of America specifying the terms and conditions upon which said District will cooperate with the Federal Government in providing the right of way for said Canal without cost to the Federal Government, and as well to include the doing of those acts and things necessary to conform to the policy of the Federal Government with respect to projects of a character similar to said proposed Canal. It is the intention hereof that said District, subject to approval by its qualified electors, shall be authorized to pay the cost, or to contribute to the cost of complying with the terms of a contract which may be entered into as between this District and the Federal Government, which, however, shall not be held to include the cost to actually construct said Canal and the locks and appurtenances necessarily incident to be provided as an integral part thereof.

(d) In case of the construction of said Canal by the Federal Government, this District shall have the power to construct, maintain, and operate lateral connecting canals or turning basins to serve local needs and as well shall have the power to provide, construct, acquire, purchase, take over, lease from others, lease to others, and to maintain and operate, develop, regulate, and, or, by franchise control wharves, docks, warehouses, grain elevators, bunkering facilities, belt or terminal railroads, floating plants, lighterage, towing facilities, and all other facilities incident to or in aid of the efficient operation and development of

the proposed Canal and ports incident thereto, whether the same be upon land or upon water.

The powers in this subdivision (d) provided are not intended to constitute a limitation of the powers of said District as the same are provided to be by said Chapter 25 and the amendment thereof.

(e) Not intending hereby to limit any other power of said District to issue bonds, or by contract with the Federal Government to create obligations, and, or, to levy taxes, which is provided for in said Chapter 25 but to be cumulative thereto, it expressly is provided that for accomplishing the objects set forth in the preceding subdivisions (b), (c) and (d), the District (after a favoring vote of the electors as is provided for by Section 59 and said Chapter 25) may create obligations to the Federal Government, or may issue and sell bonds, or other form of contractual obligations, and may levy, assess and collect taxes to retire any such obligation, all of which shall be done in compliance with the provisions of said Chapter 25. Provided, however, that unless otherwise provided under the elective provisions of said Chapter 25, all taxes to be levied by said District, to retire a funded obligation, shall be on the basis ad valorem, and shall be without limit as to rate or amount. It, however, hereby is prohibited that the total of the outstanding obligations supported by the pledge of the full faith and credit of this District (and a tax on the basis ad valorem), or that faith and credit of this District which may be based on the taxable property values as assessed and equalized for any defined area within this District (supported by a tax on the basis ad valorem) (to be an area constituted and defined by this District as a unit requiring local improvements designed primarily to serve a local convenience and necessity, as later is provided for in this subdivision (e)) shall ever at one time exceed three (3%) per cent of the total taxable property values to be subjected to taxation to retire such obligations. This limitation, however, shall not apply to obligations supported by specific assessment of benefits. Provided, however, nothing herein contained shall be held to prohibit the financing, by this District, in whole or in part, for physical

improvements local in character (and as may be deemed equitably to distribute taxes, assessments or other District imposts) upon the basis of the assessment of specific benefits, which may be done within and according to the provisions of said Chapter 25, and the basic provisions of said Section 59. It is the intent hereof to give to this District such flexibility of taxing power, and plans therefor, as will permit, and cause, the taxes to be levied by this District to render the highest practicable degree of service under the peculiar physical and economic conditions prevailing within the District as a whole, and, or, to prevail within any defined constituent area. Reserving only the express limitations of this subdivision (e), said District may adopt one or more appropriate tax plans, and may successively define separate areas within which improvements peculiar to that area are required, both for the purpose of creating money obligations and for the levying of taxes, or the assessment of specific benefits, to retire such obligations, in the manner provided by said Chapter 25; provided, however, that no change of a tax plan which will impair the ability of this District promptly to meet its outstanding obligations (within the intent of Section 91 of said Chapter 25) shall be adopted.

(f) This District shall have, and be held to have, the right to exercise, the power of eminent domain under the conditions and in the manner provided for by said Chapter 25, which shall be held to include the right to use and control the natural bed and banks of the Trinity River and its tributaries in so far as is expedient to effect the purposes of this Act, provided such use and control is not exercised in a manner violative of the constitutional rights of others, which use however, shall constitute a trust necessary to be exercised in order to accomplish the purpose of this Act. In addition to such powers and procedures, to be either cumulative thereof or in lieu thereof, this District may elect to exercise the power of eminent domain for any purpose germane to the objects of this Act, or in any manner provided by the general laws of Texas for any creature of the law. There may be election of a purpose without adoption of the manner, or a manner may be adopted independently of the pur-

pose for which same was provided. The right of eminent domain hereby conferred upon this District may be exercised upon all lands, with the structures thereon, both public and private, and without exception; save that, lands, works and water stored under a permit, or other lawful right derived from the State, which may be the source of a water supply for an incorporated city or town shall be exempt from condemnation hereunder. This District hereby is vested with such title and right of control as the State has, or may have, in, to and concerning the natural bed and banks (to include first and second bench lands) of the Trinity River and such tributaries thereof as may be affected by the creation of said Canal, and whether to remain as an integral part of said waterway or to be abandoned in the construction of said Canal; which investment, however, shall be in trust and to authorize said District to make such uses and, or, dispositions of such lands and rights (and the proceeds, income, revenues, or trading value thereof) as in actual experience may prove to be reasonably required for, or in aid of, the accomplishment of the purposes of this Act.

(g) This District shall have all such powers and rights, and regulations for government and procedure, as are contained in said Chapter 25, which shall be cumulative of those provided by this Act, and those rules for procedure which may be provided by ordinances adopted by the District under other provisions of this Act.

Sec. 5. (Power To Adopt Statutory Powers Granted To Certain Other Creatures of the Law; Also By Ordinance, To Adopt Rules For The Government Of The Organization Of This District, And To Control Its Procedure, Where Not Adequately Provided By Chapter 25, And Fixing The Manner Of Adoption): Realizing the magnitude and diversity of the foreseen and contingent duties by this Act imposed upon this District, and the economic importance of the objects sought by the State to be accomplished hereby, it is expressly provided that:

(1) When germane to the accomplishment of the objects of this Act, and not otherwise adequately provided by said Chapter 25, or hereby provided, the Directors of said District shall have the power to adopt

and promulgate orders, to be known as ordinances, which may be done by a majority vote of those directors present at any meeting, regular or called, at which there may be present a majority of the Board, which for all purposes shall constitute a quorum thereof. No such ordinance may be adopted save after notice of the intent to adopt same has been given in the manner and form elsewhere provided in this Act. No such ordinance shall violate any provisions of the Constitutions of the Federal Government and this State concerning the rights of others, shall not be arbitrary or confiscatory in character, and shall be such as reasonably may be required to accomplish the purposes of this Act. Having adopted, certified copies of any such ordinance shall forthwith be filed as a record in the office of the county clerk of each county situated in whole or in part, within this District, and within such ordinance is intended to have application; whereupon the ordinance shall be in full and effect, and all courts and persons hereafter shall be held to have knowledge thereof, just as though the same had been embraced in the body of this Act. In addition to the general powers of this District to adopt ordinances, it especially shall have the power to adopt ordinances under those conditions and for those purposes which are stated in the next succeeding subdivision (2).

(2) In any case in which said Chapter 25 does provide a specific power or right germane to, or appropriate, or adequate to accomplish an object of this Act, and such specific power has been, or hereafter may be, conferred by law on Counties, Cities, Water Improvement Districts, Water Control and Improvement Districts, Fresh Water Districts, Levee Improvement Districts, Drainage Districts, Navigation District, Canal Corporations, Channel and Dock Corporations, Deep Water Corporations, Railway Corporations, Terminal Railway Corporations, Telegraph and Telephone Corporations, or, other like creature of the law; then, to the extent required to make adequate hereto the powers and rights of this District, it may by ordinance adopt and have as part of the law of its being so much of the power and right of any of the

herein designated creatures of the law as will enable it effectively to accomplish the purposes of this Act. The adoption of a power or mode of procedure hereunder shall not be held to include any incidental limitations which would impede the lawful accomplishment of the purposes of this Act. As to this, there shall be no limit hereof save such as would violate the provisions of the Constitution of The United States and the State of Texas, concerning the rights of others.

Sec. 6. (The Governing Body of Said Districts.)

(a) The governing of said District shall be vested in a Board of Directors, as hereinafter provided. For convenience of administration there shall be three classifications of directors, which are: (1) Preelection Directors, whose powers shall be confined to those duties fixed by subdivision (b) of Section 3 of this Act. (Said pre-election directors shall be constituted as follows, viz: Amon C. Carter, A. P. Barrett, Lloyd McKee, and Walter B. Scott, all of Tarrant County, Texas; and John W. Carpenter, Capt. J. F. Lucey, Karl Hoblitzelle, W. S. Mosher, and Hugh E. Prather, all of Dallas, County, Texas. These shall take the oath of office prescribed by Chapter 25, but shall not give the bond therein provided for); (2) Preliminary Directors, being those elected as provided for in subdivision (b) of Section 3 of this Act; (3) Directors to serve after the end of said preliminary period.

Having regard to the limited powers of pre-election directors (who shall serve without compensation or the allowance of their personal expense incident to service) the further provisions of this Act shall be understood not to apply to the pre-election board of directors, but to apply only to the directors for the preliminary period and directors to serve after said preliminary period.

The compensation of directors of this District shall be Ten (\$10.00) Dollars for each day of official service, whether sitting as a Board or serving on a committee duly appointed by the Board, to which shall be added the amount of the actual expense necessary to be incurred wholly by reason of such service. A

meeting shall be deemed a day of service, provided that no charge shall be made for more than one meeting held on any one day, and no director shall receive amounts to total more than five hundred and twenty (\$520.00) Dollars as compensation for service rendered within any one period of twelve month. The Board of Directors shall manage and control the administrative business of said District (including the employment of all persons and agencies having fitness to aid in accomplishing the purposes of this Act) and shall be organized for business as is provided by said Chapter 25. It shall have power to adopt all such by-laws as are not inconsistent with the law, which may include the designation of an executive committee of not to exceed three members to act as advisors to the District's managing officers (who is not required to be a director) concerning matters arising between meetings of the Board and not requiring instant action by the Board, but which admit of later being approved by the Board.

(b) The preliminary directors herein provided for, and all subsequent directors, shall qualify in the manner specified in Chapter 25, and their duties and qualifications shall be as therein provided. The official bonds of the directors shall be subject to approval by the Governor of Texas.

(e) The time during which the herein provided preliminary directors or their appointed successors, shall serve shall be until such time as the Federal Government shall have approved the construction of said Canal, under a proposed contract with the District, and said contract shall have been approved or rejected by a vote of the electors of said District. It is provided, however, that all directors shall serve until such time as their successors shall have been duly chosen and qualified. At such time as the Federal Government may have proposed a contract with said District, and at the same time, when the same is submitted to the electors of the District for approval or rejection, it shall be the duty of the preliminary board hereby provided to include in the election the choice of directors to control said District if any such contract shall have been approved by the elec-

tors of the District. After any such election the preliminary Board of Directors shall canvass the returns of such election, declare the result thereof, and qualify their elected successors in the manner, so far as applicable provided by said Chapter 25; At such time the preliminary period of this District and the duties of the preliminary Board of Directors thereof shall be at an end.

It is provided, however, that in case at such election the voters determine to reject the proposed contract between the District and the Federal Government, the preliminary directors hereby provided shall continue to serve until such time as the District may be dissolved and its obligations discharged, as elsewhere is provided for in this Act.

(d) The directors to be elected (after the preliminary period) shall be qualified as provided by Chapter 25, and shall be any number not divisible by two, not fewer than nine nor more than fifteen, as may be established by ordinance of this District; provided, however, that directors, as far as practicable, shall be chosen to give equitable regional representation, in such manner as may be provided by ordinance. Any such ordinance may define directorial districts, each to be served by a qualified resident of any such district, but all directors must be elected by a vote at large in this District. Other than as herein provided, and in so far as applicable, the election of directors, their qualifications and their terms of service shall be as fixed by the provisions of said Chapter 25. Vacancies in the office of director (either for the preliminary period, or for elected directors) shall be filled as provided in Chapter 25.

Sec. 7. (Provision for Financing the Current Operations of This District For The Period of its Preliminary Duties and Forbidding the Creation of Indebtedness Pledging Incomes Not For A Current Taxing Year During The Preliminary Period Established By This Act, and Providing the Power to Borrow For Current Expenses and to Pledge Taxes Levied For A Current Taxing Year, But Not Collected.)

(a) In order to effect those objects to be accomplished hereunder prior to the end of the preliminary period of this District as established by this Act, but not to control for any greater

time, and to be in lieu the right to issue preliminary bonds under the powers of said Chapter 25 the Board of Directors of this District hereby are authorized to levy, assess and collect an ad valorem tax (to be known as a preliminary tax) the year 1931 and each succeeding year thereafter until that year next succeeding the end of said preliminary period (but not for a year subsequent to the year 1935, unless said limit be extended by a favoring vote a majority of the electors of said District, who may vote thereon) which tax shall be at such a rate of levy as may be required to accomplish the purposes of this Act, but not in any event to exceed two (2c) cents on each one hundred (\$100.00) dollars of the value of all property situated within, or assessable for taxation within, said District, as the same may be assessed and equalized for State and county purposes. It expressly is prohibited that said District during its preliminary period, (or thereafter, save after an authorizing vote of the electors) may create obligations other than such as may be paid out of the taxes levied for any current taxing year, and to pay for services rendered to, or things of value furnished to or for this District during any current taxing year.

(b) Realizing the urgent necessity that this District be promptly in possession of funds, and that during each year of its preliminary period it should have, as and when required, funds to enable it to seek the cooperation of the Federal Government to the end that said Canal may come into usable being with the least possible delay, it hereby is expressly provided that (during its preliminary period or thereafter) said District, upon order of its Board, may borrow money and execute its obligations therefor, to be secured by pledges of the tax levied but uncollected by the District for the year in which any such loan may be negotiated, provided only that no such loan shall mature at a time later than April 1st next after the consummation of such loan, and that the proceeds of any such loan may not be used save to pay expenses and, or, obligations of the District current for the tax year within which the loan may be effected.

Sec. 8. (Provision For The Assessment And Collections of Taxes by This District, and Prescribing the Du-

ties and Compensation for Tax Assessors and Collectors for the District.)

(a) To be cumulative of the provisions of said Chapter 25, and to be applicable to both before and after the termination of the preliminary period herein defined, said District may adopt the valuations established by the assessments of the property taxable by said District, in any given county in the District as enrolled and equalized for State and county taxes, and may provide for the collection of the District tax, to be based thereon as hereinafter provided.

(b) Upon request from the Directors, accompanied by a certified statement of the rate of the District's tax levied for any given year, the assessor of each county situated in whole or in part in the District, shall have the duty to assess and enroll the District tax, and extend the same appropriately for each item of property subject to the District's tax, in all things like unto the enrollment and extension of the State and county taxes, so that the same will be subject to equalization within the county, and pass to the tax collector as a part of the rolls of the county, or the same may be separately enrolled. In either case, the amount of the tax as shown by the roll shall be charged to the tax collector, and thereupon, it shall be the duty of the tax collector for any such county to collect the tax for this District. The tax collector shall keep, and each month furnish to the District, a separate verified account of the total taxes collected for the District in each preceding calendar month, and within fifteen (15) days after the expiration of each calendar month during which taxes may have been collected for the District, and he shall remit to the District, as it may direct, the taxes collected for the prior month.

(c) Tax assessors and tax collectors rendering service hereunder, for all purposes incident to these provisions, shall be deemed to be officers of the District, and the Directors thereof may require that District Funds be kept separate from other tax funds, and that tax collectors give a surety company bond payable to the District, conditioned as for a county tax collector (insofar as the same may be applicable), to be approved by the Directors of this District as to the

amount and sufficiency; provided, however, that the premium on any such bond shall be paid by this District. It is further provided that the original records of tax assessors and tax collectors for the District, and funds held in trust for the District by a tax collector, shall be open to inspection and audit by the district at all reasonable times.

(d) The minimum fee for which this District may exact service from a tax assessor or a tax collector hereunder shall be two hundred and fifty (250.00) dollars per taxing year, to be payable on or before March 15th of the year next after the year for which a District tax may have been levied. It further is provided that the tax collector for any given county, if demanded by the District, will, on or before March 31st in each year furnish to the District a roll showing taxes due and payable to the District, but unpaid on the next preceding February 1st. For this service the tax collector shall be paid the actual cost of producing said delinquent roll and delivering the same to the office of the District. If the compensation of a tax assessor or a tax collector under the provisions which now follow will exceed two hundred and fifty dollars for a taxing year, then the assessor and the collector for the District each shall receive for service rendered hereunder (in lieu of the minimum compensation hereinabove fixed) a sum equal to one (1%) per centum upon the amount of the tax actually collected and paid to this District prior to February 1st in any given year; which compensation shall be paid by the District, on or before March 15th of that same year. Having been paid the compensation hereinbefore provided, it shall be the duty of a tax collector, and, or, his successor in office, to collect and deliver to this District any taxes, together with the interest and penalty thereon, paid after February 1st in any given year; provided, however, he shall receive as compensation therefor one (1%) per centum therefor. It is provided that any sum paid hereunder shall be computed in determining the maximum fees per year which may be retained by such receiving officers under the applicable statute in force at the time of any such payment. It however, expressly is provided that should the requirements of this District demand the use of record books

of forms or separate rolls peculiar to the service to be rendered by a tax assessor or a tax collector to this District, and not capable of being cared for by the rolls, record books and forms in use for the State and county, the cost of such rolls, books and forms shall be paid by the District. Should any tax assessor or tax collector fail or refuse to discharge the duties hereby imposed, he may, after due notice and hearing, be removed from office by the Governor of the State. At any time after the end of the preliminary period of this District as fixed herein, the directors of the District shall have the option to provide for the levy and assessment of taxes as herein specified, or they may elect to provide for the levy and assessment of taxes in the same manner as is provided by said Chapter 25 of the Acts of the 39th Legislature, Regular Session.

Sec. 9: (Giving The Power To Grant Franchises, Prescribe The Conditions Under Which They May Be Exercised; To Police The Manner In Which They May Be Exercised, To Exact Reasonable Compensation For The Enjoyment Thereof; And, Also To Fix And Enforce The Tolls, Charges, Rates Or Exactions Which May Be Imposed Concerning The Use Of The Canal, And, Or, Any Of The Facilities Provided To Be Used In Connection With Said Canal, And In Aid Of Navigation Thereon, When Intended For Public Use, And Charging This District With The Duty To Prevent Discrimination In The Use Of Said Canal And The Facilities In Connection Therewith: Also Giving This District The Power To Adopt Reasonable Rules And Regulations To Effect The Intent Of This Act. Prescribe Reasonable Penalties For Violations Of Such Regulations And To Enforce The Same In The Manner Provided: Also Authorizing This District To Suspend Or Revoke Franchises As A Penalty For Violation Of The Conditions Thereof.)

(a) No person or creatures of the law, or contract, may provide, maintain or operate any facility in aid of navigation on said Canal (and intended for use by the public) within the meaning, designation and intent of subdivision (d) in Section 4 of this Act, and whether situated within or beyond the boundaries of this District, save under a franchise granted by this District in the form

of an ordinance to be adopted as provided in this Act, which franchise may be for any term not to exceed fifty (50) years. Such ordinances may contain provision for the payment of reasonable franchise fees, and or other charges, to be paid to the District, and shall contain provisions adequate to regulate the fees, tolls, rates or exactions to be demanded for the use of, or service to be rendered by means of, any facility to be provided or operated under any such franchise, to the end that the same will be uniform, reasonable and without discrimination as to any person, both as to charges and the conditions of use or service. Further such ordinances shall contain all provisions reasonably required to procure service adequate to serve the public necessity and convenience.

(b) In order to accomplish the objects set forth in subdivision (a) of this Section 9, this District shall have the power either before or after the granting of a franchise (but, as to a franchise granted in prior time, not to be unreasonably inconsistent therewith,) by ordinance to prescribe reasonable rules and regulations for the design, construction, repair, enlargement, alteration, maintenance, operation of, and service from, or use of, any facility to be provided for use in aid of navigation on said Canal, whether upon land or in, or upon, water. The right hereby granted shall include the right to require uniform and adequate analytic accounting systems and forms, periodic verified reports based thereon, and the right of audit by the District, and other reasonable regulation designed to protect the public. In order to procure observance of the conditions of a franchise granted hereunder, and/or, compliance with rules and regulations established by ordinance of the District (to be adopted and promulgated as elsewhere is provided in this Act) hereunder, such ordinance may provide reasonable and commensurate penalties for violation of any such franchise condition, rule or regulation, which penalties shall be cumulative of any penalties fixed by general law in Texas; provided only that the maximum penalty shall be a fine not to exceed Two Hundred (\$200.00) Dollars for each instance or day of

violation, and/or imprisonment of the responsible person or persons for a period not to exceed one hundred and eighty (180) days, either or both. Such penalties may judicially be enforced in the manner provided in subsection (b) of Section 10 of this Act.

Sec. 10. (Authorizing This District By Ordinance To Establish All Rules Or Regulations Reasonably Necessary Or Designated To Protect And Conserve The District's Physical Properties, Or the Physical Property Of Others When Operated Under A Franchise Granted By The District: And To Effect The Efficient Use Thereof: Also Authorizing the Fixing Of Reasonable And Commensurate Penalties For The Violation Of Such Ordinances; Also Prescribing The Manner, Jurisdiction And Venue For The Enforcement Thereof: Further Providing That This District May Constitute And Maintain Its Own Constabulary For The Enforcement Thereof.)

(a) This District by ordinances (to be adopted and promulgated as elsewhere is provided in this Act) may establish rules necessary or designed to protect the physical property owned by it, or physical property owned or operated by another under a franchise granted by this District, and, or to effect the safety or efficient use of the same, and in such ordinances may provide reasonable and commensurate penalties for the violation thereof, which penalties shall be cumulative of other penalties provided by the general law of Texas, and shall be upon the same conditions, and not to exceed the limit for penalties as fixed in Section 9 of this Act.

(b) In order to accomplish the objects stated in Section 9 and this Section 10 of this Act, this District may constitute and maintain its own independent constabulary under oath and bond, insofar as is applicable, conditioned as is provided for a sheriff of a county, who shall be charged with the duty to police the District's property and its controlled facilities, with power to make arrests to prevent injury to such properties, or after such offense or violation of any penal ordinance of the District, and, upon complaint or indictment lawfully had thereon, to

make arrests either within or beyond the boundaries of the District.

(c) The penalties provided in Section 9 and this Section 10 of this Act may be enforced only after complaint or indictment lawfully had, and the proceedings to enforce the same shall be in a court of competent jurisdiction within the county in which any offense hereunder may have been committed. It is provided that this District shall primarily be liable for any court costs incurred hereunder, and the cost to maintain any offender committed for imprisonment hereunder. Any fine imposed in any such proceeding, and paid in money shall be payable to this District and applied as its Board may direct.

(d) The forfeiture or suspension of a franchise granted under Section 9 of this Act, where not otherwise provided in any such franchise, may be, only because of discrimination in rendering service, affording use, or in taking or demanding a toll, rate or charge. Forfeiture or suspension of a franchise granted hereunder, unless otherwise provided therein, shall be upon a decree of a district court within the county in which this District may maintain its general office.

Sec. 11. (Duties Of Certain State Officers.) The State Board of Water Engineers, and The Reclamation Engineer of Texas, shall be under duty to cooperate with this District in the making of investigations and plans and the approval of plans for improvements to be provided by this District. Such plans, however, shall be subject to approval by them when appropriate under the general laws of Texas; provided only, that where the Federal Government shall have adopted or approved a plan for improvements, the same, as to all matters save the use of water already under permit from the State, shall control.

Sec. 12. (Provision For Constitutional Conformity.) Nothing in this Act contained shall be construed to violate any provision of the Federal or State Constitutions, and all acts done under this Act shall be done in such manner as will conform thereto, whether herein expressly provided or not. Where any procedure hereunder may, by the Board, be deemed to be violative thereof,

or when the same made judicially be determined to be violative thereof, this District shall have the power by ordinance to provide a procedure conformable therewith. If any provision of this Act shall be held invalid, such holding shall not affect the instant creation of this District, or the validity of any other provision of this Act.

Sec. 13. (Emergency Clause.) There exists an emergency and imperative public necessity that the provisions of this Act be in force and effect without delay. The reasons therefor are as follows, viz:

(a) Navigation upon the waters of the Trinity River to serve the established commercial centers in Dallas or Tarrant Counties will increase, or preserve, the service which these commodities now render, and in the future should render, to that large portion of Texas most conveniently be served by rail lines centering in the cities of Dallas and Fort Worth and which portion can more economically be served by means of coordinate rail and water transport for the carriage of bulky or heavy non-perishable materials yielding low returns. The need for this service has long existed and the provision thereof now is most urgent.

(b) In order to accomplish the objects of this Act, it will be necessary to procure the approval and cooperation of the Federal Government.

(c) There is urgent need that the preliminary surveys contemplated to be provided should with all possible dispatch be completed and made available to the next Federal Congress to the end that the proposal to create said Canal may be effected with the least possible delay.

Wherefore, the Legislature hereby declares an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be, and the same hereby is, suspended, and this Act shall be in force and effect from and after the day when there shall appear upon this Act the evidences of passage required by law to be executed by the Speaker of the House of Representatives and the Presiding Officer of the Senate, subject only to the Constitutional right of the Governor to veto this Act. If there be no such veto the day of effect of this Act shall be the day of the final passage hereof.

Committee Room,
Austin, Texas, April 30, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Privileges, Suffrage and Elections, to whom was referred

H. B. No. 48, A bill to be entitled "An Act amending Article 2956 of the Revised Civil Statutes of Texas of 1925, and repealing all laws in conflict; said amended Article relating to suffrage and providing who may exercise the privilege of voting an absentee ballot and prescribing the conditions under which said voting shall be conducted; declaring an emergency and providing that this Act shall become effective from and after its passage."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal, but not otherwise. HOPKINS, Chairman.

Engrossed Rider No. 1.

Amend House Bill No. 48 by striking out all above the enacting clause and substituting in lieu thereof the following:

A BILL

To Be Entitled

An Act amending Articles 2956, 3108 and 3115 of the Revised Civil Statutes of 1925, and declaring an emergency.

Engrossed Rider No. 2.

Amend House Bill 48 by striking out Section 2 and adding thereto Sections 2 and 3, reading:

Sec. 2. "That Article 3108 and 3115 Revised Civil Statutes of Texas of 1925, be amended so that said articles will read:

- "Article 3108—Expense of Primary—At the meeting of the county executive committee provided in Article 3117, the county committee shall also carefully estimate the cost of printing the official ballots, renting polling places where same may be found necessary, providing and distributing all necessary poll books, blank stationery and voting booths required, compensation of election officers and clerks and messengers, to report the result in each precinct to the county chairman, as provided for herein, and all other necessary expenses of holding such primaries in

such counties and shall apportion such cost among the various candidates for nomination for county and precinct offices only as herein defined, and offices to be filled by the voters of such county, or precinct only, (candidates for State offices excepted), in such manner as in their judgment is just and equitable, giving due consideration to the importance and emoluments of each such office for which a nomination is to be made, and shall, by resolution, direct the chairman to immediately mail to each person whose name has been requested to be placed on the official ballot a statement of the amount of such expenses so apportioned to him, with the request that he pay the same to the county chairman on or before the Saturday before the fourth Monday in June thereafter."

"Article 3115. Primary Committee. Subject to the approval of the committee, the County Chairman shall appoint a subcommittee of five (5) members to be known as the primary committee, of which he shall be ex-officio chairman. This subcommittee shall meet on the 4th Monday in June and make up the official ballot for such general primary in such county, in accordance with the certificates of the State and District Chairman and the request filed with the County Chairman, and place the name of the candidates for nomination for State, district, county and precinct officers thereon in the order determined by the county executive committee as herein provided."

Sec. 7. The crowded condition of the calendar and the necessity of amending the foregoing Articles in order to repeal conflicting dates relating to the holding of elections creates an emergency and imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended and said Rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Read and adopted.

By Giles, et al. H. B. No. 48.

A BILL

To Be Entitled

An Act amending Article 2956 of the Revised Civil Statutes of Texas of 1925, and repealing all

laws in conflict; said amended Article relating to suffrage and providing who may exercise the privilege of voting an absentee ballot and prescribing the conditions under which said voting shall be conducted; declaring an emergency and providing that this Act shall become effective from and after its passage.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2956 of the Revised Civil Statutes of Texas of 1925 be amended so that it shall hereafter read as follows:

"Article 2956. Any qualified elector, as defined by the laws of this State, who expects to be absent from the county of his or her residence on the day of election may vote subject to the following conditions, to-wit: at some time, not more than twenty (20) days nor less than three (3) days, prior to the date of such election, such elector shall make his or her personal appearance before the Clerk of the County of his or her residence and shall deliver to such Clerk his or her poll tax receipt or exemption certificate entitling him or her to vote at such election, and said Clerk shall deliver to such elector one ballot which has been prepared in accordance with the law for use in such election, which shall then and there be marked by said elector apart and without the assistance or suggestion of any person, and in such manner as said elector shall desire same to be voted; which ballot shall be folded and placed in a sealed envelope and delivered to said Clerk who shall keep same so sealed, and who shall also keep said poll tax receipt or certificate open to the inspection of any person who may wish to examine or see same until the second day prior to said election; and said Clerk shall, on said second day, place the said poll tax receipt or certificate, together with the said envelope containing said marked ballot, in another envelope which shall then be mailed by said Clerk to the Presiding Judge of the voting precinct in which said elector lives. Or, at some time not more than twenty (20) days prior to the date of such election, such elector shall make his or her written application to the County Clerk of his or her County requesting a ballot, and shall send

together with said application his or her poll tax receipt or exemption certificate, but in the event said elector does not have his or her receipt or certificate, the County Clerk is directed to procure from the Tax Collector a certificate in lieu of said receipts or exemption certificates. Such County Clerk receiving the application for a ballot, after verification shall mail a ballot to such elector, which ballot having been prepared in accordance with the law for use in such election, said envelope to be marked "Official Ballot for _____ (giving elector's name)." Such elector, upon receipt of said ballot, shall mark the same immediately, apart and without assistance or suggestion of any other person, in such manner as said elector shall desire same to be voted, which ballot shall be folded and placed in a sealed envelope, prepared for the purpose, and mailed by such elector to the County Clerk of the County wherein such elector votes, who shall keep same so sealed, and who shall also keep said poll tax receipt or certificate open to the inspection of any person who may wish to examine or see same until the second day prior to said election; said Clerk shall on said day place the said poll tax receipt or certificate, together with the said sealed envelope containing said sealed ballot, in another envelope which shall be by said Clerk then mailed to the Presiding Judge of the voting precinct in which said elector lives.

On the day of such election, and in the presence of the election officers provided by law, the Presiding Judge shall, between the hours of two and three o'clock, open the envelopes containing said poll tax receipts, exemption receipts, and marked ballots, and publicly announce that the ballot of such named electors are proposed to be cast, at which time any person who desires to challenge said vote and the right of same to be cast, shall be heard to present such challenge, and if there be no challenge of same, said vote shall be cast and counted according to the law; and if there be any challenge of such vote, legal cause for same shall be heard and decided according to the law provided in the case of challenge. In case no challenge is made, such poll tax receipt, after same is marked

"voted" as provided by law, shall be mailed back to the said County Clerk. But in case of challenge, such poll tax receipt together with affidavits relating thereto shall be mailed by said Judge of election to the County Clerk of such County who shall keep same for thirty (30) days, and if no demand be made for the production of same before any body or persons in authority within said time, said County Clerk shall deliver such receipt to the owners thereof. When voted, the Judge of election shall mark opposite the name of such absentee voter the word "Absentee." The provisions of this Article shall apply to all elections, including General, Special, and Primary Elections.

Sec. 2. The importance of this Act creates an emergency and an imperative public necessity, authorizing the suspension of the Constitutional Rule that Bills be read on three several days and that this Act take effect and be full force and effect from and after its passage, and it is so enacted.

Senate Committee Amendment No. 1.

Amend House Joint Resolution No. 6 by adding at the end of Section 1, after the words "State purposes," the following:

"Provided that in all cases where, by act of the Legislature, State taxes to be collected during a period, have been by the Legislature appropriated, released, granted, or donated, to any county, or city, or other municipality or defined sub-division of the State, for the purpose of paying bonds for aiding in the construction of breakwaters, or seawalls, or grade-raising, or the prevention of calamitous overflows, or in cases of public calamity, or otherwise, the State shall appropriate and pay to such county, or city, or other municipality, or defined sub-division, annually, for each year, of the period of such release, or grant or donation, a sufficient amount to make good the loss resulting from failure of the State to levy ad valorem taxes on homesteads, within the limits thereof.

Senate Committee Amendment No. 2.

Amend H. J. R. No. 6 by striking out the words and figures "Two Thousand (\$2,000.00) Dollars"

wherever they occur in the Resolution, and substituting therefor the following:

"Five Thousand (\$5,000.00) Dollars."

Committee Room,
Austin, Texas, April 29, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 6, Proposing an Amendment to Article VIII of the Constitution of the State of Texas by adding thereto Section 1-A, exempting Two Thousand (\$2,000.00) Dollars of the assessable value of all resident homesteads as now defined by law, shall be exempt from all State taxation for State purposes; providing for submission of same to the qualified electors of the State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation publication and election.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and that it be printed in the Journal.

HOLBROOK, Chairman.

By Bryant et al.

H. J. R. No. 6.

HOUSE JOINT RESOLUTION

Proposing an Amendment to Article VIII of the Constitution of the State of Texas by adding thereto Section 1-A, exempting Two Thousand (\$2,000.00) Dollars of the assessable value of all resident homesteads as now defined by law, shall be exempt from all State taxation for State purposes; providing for submission of same to the qualified electors of the State; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation publication and election.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1-A be added to Article VIII of the Constitution of the State of Texas to read as follows:

Article VIII—Section 1-A: Two Thousand (\$2,000.00) Dollars of the assessable value of all resident

homesteads as now defined by law shall be exempt from all taxation for State purposes.

Sec. 2. The foregoing Constitutional Amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, 1932, at which election all voters favoring said proposed Amendment shall write or have printed on their ballots the words:

"For the Amendment to the Constitution of the State of Texas exempting Two Thousand (\$2,000.00) Dollars of the assessable value of all resident homesteads from State taxes."

Those voters opposing said proposed Amendment shall write or have printed on their ballots the words:

"Against the Amendment to the Constitution of the State of Texas exempting Two Thousand (\$2,000.00) Dollars of the assessable value of all resident homesteads from State taxes."

Sec. 3. The Governor of the State of Texas is hereby directed to issue the necessary proclamation for said election and to have same published as required by the Constitution and Amendments thereto.

Sec. 4. The sum of Five Thousand (\$5,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of any funds of the Treasury of the State of Texas not otherwise appropriated to pay the expenses of such publication and election.

Committee Room,
Austin, Texas, April 30, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 106, A bill to be entitled "An Act creating a committee to be known and styled 'The Texas Centennial Committee,' etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed in the Journal.

HARDIN, Vice-Chairman.

Committee Amendment No. 1.

Amend Senate Bill No. 106, Section 4, by striking out the words "in the City of Austin."

Committee Amendment No. 2.

Amend Senate Bill No. 106, Section 6, by striking out the entire section.

Committee Amendment No. 3.

Amend the caption of Senate Bill No. 106 so as to make it conform to the body of the bill.

By Neal.

S. B. No. 106.

A BILL

To Be Entitled

An Act creating a Committee to be known and styled "The Texas Centennial Committee." Said Committee to be composed of nine members, three of whom are to be appointed by the Speaker of the House, three by the Lieutenant Governor and three by the Governor; providing that said Committee shall be commissioned, shall organize by the election of a President, a Vice-President and other necessary officers and employees. That said Committee shall serve without any compensation other than their traveling expenses and hotel bills. That said Committee shall elect an Executive Vice-President from its membership, prescribing his duties, powers and compensation; providing that said Committee shall make a general survey of the field of expositions as held by States and Nations to commemorate historic events of great achievements, such as the Centennial held in Philadelphia in 1876, the Worlds Fair as held in Chicago in 1893, and the St. Louis Fair as held in St. Louis in 1903, and the proposed Worlds Fair at Chicago in 1933. Said Committee shall gather all available data relating to the cost, scope, construction, arrangement, promotion, advertisement, character and management of such exposition; shall gather general information, data and facts both in the United States and from foreign countries which may be of value to the Legislature in determining whether the State of Texas shall hold a centennial

celebration in the City of Austin in 1936, commemorating the Independence of Texas and its one hundred years of achievement. Said Committee is given full authority and is directed to gather any and all data which may be of value to the Legislature in determining the scope, kind, character and cost of such exposition and is required to cause the same to be classified, arranged and filed in concise form and shall have such of it printed in pamphlet form as to said Committee may be deemed advisable for a complete understanding thereof. Said Committee shall file said compiled data, facts and material, together with its written report thereon and its recommendations and suggestions to and with the Forty-third Legislature when it convenes on the second Tuesday in January, 1933, so that the Legislature may then determine whether a Texas Centennial Exposition shall be held, and if so, the character of such exposition, providing an appropriation to carry out the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a Committee to be known as and styled "The Texas Centennial Committee." Said Committee shall be composed of nine members and shall be appointed as follows: Three members of said Committee shall be appointed by the Speaker of the House; Three members thereof shall be appointed by the Lieutenant Governor, and Three members thereof shall be appointed by the Governor. The appointments so made shall be promptly and properly certified to the Secretary of State, who shall immediately issue to each member of said Committee a commission under the seal of the State attesting such appointment. Upon the issuance of such commissions the Secretary of State shall call said Committee to meet in the City of Austin on a day certain not less than ten days nor more than twenty days after such call, for the purpose of organizing and carrying out the provisions of this Act.

Sec. 2. When said Committee meets pursuant to said call referred to in Section 1 hereof, the Secretary of State shall attend such meeting, call the same to order and preside over its deliberations until said Committee

elects a president from its membership. Upon the election of the president, said committee shall elect an executive vice-president from its membership, and upon the recommendation of the executive vice-president, shall employ a secretary and such stenographers and clerks from time to time as may be necessary to carry out the provisions of this Act. Offices for such committee shall be provided in the State Capitol by the Board of Control; provided, however, if adequate office space cannot be furnished in the State Capitol the committee is given the power to rent suitable office space in some other building in Austin and to pay a reasonable rental therefor.

Sec. 3. The members of said committee, as such, shall not receive any compensation whatever for their services, except their traveling and hotel expenses incurred under direction of the committee in carrying out the provisions of this Act. The executive vice-president of said committee shall devote his entire time to the carrying out the provisions of this Act as such vice-president, and shall receive a salary therefor of \$300.00 per month in addition to his traveling and hotel expenses in the discharge of his duties as a member of said committee and as executive vice-president thereof. The secretary, stenographers and clerks to said committee shall be paid such salaries as may be fixed by said committee and shall be employed by said committee as they may be needed, be under the control thereof, and may be discharged thereby.

Sec. 4. When said Committee has been organized, has been provided with proper offices, has elected its Executive Vice-President and has elected its Secretary and employed the necessary stenographers and clerks, and provided itself with the essential equipment to carry out the provisions of this Act, it shall make a general survey of the field of Expositions as held by States and Nations to commemorate historic events of great achievement, such as the Centennial held at Philadelphia in 1876, the Worlds Fair held in Chicago in 1893, and the St. Louis Fair as held in St. Louis in 1903, and the proposed Worlds Fair at Chicago in 1933. It shall gather all available data relating to the cost, scope, construction, arrange-

ment, promotion, advertisement, character and management of such an Exposition; shall gather general available information, data and facts both in the United States and from foreign countries, which may be of value to the Legislature in determining whether the State of Texas shall hold a Centennial celebration (in the City of Austin) in 1936, commemorating the Independence of Texas and its one hundred years of achievement, and the character, magnitude and cost of such Exposition. Said Committee is given full authority and is directed to gather any and all data which may be of value to the Legislature in determining the scope, kind, character and cost of such Exposition. Said Committee shall cause all data, material and matters gathered by it to be properly arranged and filed in concise form and shall have such of it printed in pamphlet form as to said Committee may be deemed advisable for a complete understanding thereof, at least one thousand copies thereof to be delivered to the Legislature along with its report. Said Committee, in addition to the printed matter above referred to, shall make suggestions and recommendations to the Legislature in detail, touching the scope, character, nature, cost plans for financing, etc., of such Exposition, which suggestions, recommendations and report shall also be printed in said pamphlet.

Sec. 5. Said Committee shall make a full report of its activities and accomplishments, suggestions recommendations and file the printed matter referred to in Section 4 hereof, to and with the Forty-third Legislature when it convenes on the second Tuesday in January, 1933, so that the Legislature may then determine whether a Texas Centennial Exposition shall be held, and if so, the character of such Exposition.

Sec. 6. For the purpose of carrying out the provisions of this Act there is hereby appropriated out of the general revenues of the State of Texas, not otherwise appropriated, the sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary. All moneys paid out pursuant to this Act shall be upon vouchers attested by the Secretary of the Committee and signed by the President thereof,

a detailed report of which properly audited shall accompany the report of said Committee to the Legislature.

Sec. 7. The fact that there is a general desire and purpose among the people of Texas to hold such an Exposition as hereinbefore set out, and the purposes therein stated, in 1936, and the further fact that the data above described is necessary to an intelligent preparation for the holding of such Exposition, and that the time is short in which the same may be granted, all create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days in each House, and the rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

SIXTY-THIRD DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
May 1, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

House Bill No. 336.

The question recurred on the pending amendment to the amendment to H. B. No. 336.

The amendment and the amendment to the amendment were withdrawn.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 336 by striking out of the bill all of the amendment heretofore sent up by the Senator from Dallas, which amendment was signed jointly by the Senators from Dallas and Collingsworth, and which was adopted by a viva voce vote of the Senate.

HOLBROOK.

The amendment was read.

Senator Purl raised the point of order that the amendment was out of order because a previous motion to reconsider his amendment had previously been defeated.

The Chair, Lieutenant Governor